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MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
January 22, 2004

MEMBERS PRESENT: Sam Brannan, Kathryn Henning, Scott Nash, Mel Prairie Chicken, Ethan Schmidt, Jeff Stone and Stuart Wevik

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Todd Tucker, Bill Knight, Dave Johnson, Kurt Huus, Sig Zveinieks 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.**

**Wevik moved, seconded by Stone 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 January 8, 2004 Planning Commission Meeting Minutes.

2. No. 03PL091 - Auburn Hills Subdivision

A request by Renner and Sperlich for Doeck, LLC to consider an application for a **Layout, Preliminary and Final Plat** on Tracts A and B, Auburn Hills Subdivision, located in the NW1/4 of SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4 located in the NW1/4 of SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Chalkstone Drive and Auburn Drive.

**Planning Commission recommended that the Layout, Preliminary and Final Plat be continued to the February 19, 2004 Planning Commission meeting to allow the applicant to submit additional information.**

3. No. 03PL094 - Pioneer Subdivision

A request by Renner and Sperlich Engineering Company for 16 Plus LLP to consider an application for a **Preliminary and Final Plat** on Lot 2, Moon Ridge Subdivision, located in the NE1/4 of the SE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 2 of Pioneer Subdivision located in the NE1/4 of the SE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the U.S. Highway 16 and Moon Meadows Road.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the February 19, 2004 Planning Commission meeting.**

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4. No. 03PL117 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Preliminary and Final Plat** on Lots 1 and 2, Block 12; Lots 1 thru 7, Block 15; Lots 1 thru 10, Block 17; Lots 1 thru 17, Block 18; Outlots G-1, G-2, G-3 and X and dedicated streets, Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the extension of Prestwick Road and Bethpage Drive.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the February 5, 2004 Planning Commission meeting to allow the applicant to submit additional information.**

5. No. 03SR042 - 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 a public use in a public place** on Tract 17 less Lot H1 (also in Section 34, T2N, R7E), Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1520 West Omaha Street.

**Planning Commission recommended that the 11-6-19 SDCL Review to allow a public use in a public place be continued to the March 25, 2004 Planning Commission meeting to allow the applicant to submit additional information at the applicant's request.**

6. 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 at 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 approved with the following stipualtions:**

1. Prior to obtaining a building permit, grading, drainage, paving, and utility improvement plans shall be provided to the Engineering Division for approval;
2. On-site fire hydrants shall be required and operational providing a minimum 2000 gpm at 20psi fire flow;
3. The address of the building shall be posted on the structure, visible from the street, with a minimum of 12 inch numbers and in contrast to their background;
4. The Uniform Fire Code shall be continually met;
5. A minimum of two fire extinguishers shall be provided in the building;

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and,

6. **All parking spaces will be striped and include curb stops along the side of the proposed building.**
7. No. 03SR050 - Section 12, T1N, R7E  
A request by Alliance of Architects and Engineers for Pennington County Housing and Redevelopment to consider an application for an **11-6-19 SDCL to allow the construction of a parking lot** on Tract A of Lot 2, NW1/2 SW1/4 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 636 Cathedral Drive.

**Planning Commission recommended that the 11-6-19 SDCL to allow the construction of a parking lot be approved with the following stipulations:**

1. **Prior to initiation of construction, a Right-of-Way Work Permit must be obtained;**
2. **All work performed in the street right-of-way must comply with City street design standards;**
3. **The access aisle provided through the parking lot must be a minimum of 20 feet wide;**
4. **Prior to initiation of construction, a Building Permit must be obtained;**  
**and,**
5. **If one acre or more of surface area is disturbed by construction, an Air Quality Permit must be obtained.**

**END OF NON-HEARING CONSENT CALENDAR**

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

Schmidt announced that the Public Hearings on Items 8 through 28 were hereby opened.

Staff requested that Items 17, 18, 19, 26 and 27 be removed from the Hearing Consent Agenda for separate consideration. Brannan requested that Items 13 and 14 be removed from the Hearing Consent Agenda for separate consideration.

The Public Hearings on Items 8 through 28 were hereby closed.

Wevik moved, seconded by Nash and unanimously carried to recommend approval of the Hearing Consent Agenda Items 8 through 28 in accordance with the staff recommendations with the exception of Items 13, 14, 17, 18, 19, 26 and 27 (7 to 0 with Brannan, Henning, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

8. No. 03CA041 - Fountain Springs Business Park  
A request by Franklin Simpson to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 1.792 acre parcel of land from Park Forest to Medium Density Residential with a Planned Residential Development** on a parcel of land described by metes and bounds as

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beginning at the southwesterly corner of Tract H of the Wesleyan Christian Center, Thence first course: N76°34'25"E a distance of 263.55 feet to the SE corner of said Tract H; Thence second course: N69°06'06"E a distance of 98.75 feet to the westerly right-of-way line of Sunny Springs Road; Thence third course: S17°49'19"E a distance of 195.45 feet to an angle point of Sunny Springs Road right-of-way; Thence fourth course: S27°11'30"W a distance of 14.14 feet to the north right-of-way line of Harmony Heights Lane; Thence fifth course: S72°12'18"W a distance of 256.21 feet to a point of curvature on the north line of Harmony Heights Lane; Thence sixth course: along an arc to the right, which radius is 170.00 feet an arc distance of 110.36 feet to a point of tangency on the north line of Harmony Heights Lane; Thence seventh course: N70°21'42"W a distance of 53.48 feet to the east right-of-way line of Plaza Boulevard; Thence eighth course: along the east right-of-way line of Plaza Boulevard, on an arc to the left, which radius is 333.35 feet an arc distance of 162.41 feet, and the chord bearing of N00°31'03"E a distance of 160.81 feet, to the point of beginning, said parcel of land containing 1.792 acres more or less, all lying in the NE1/4 SE1/4 of Section 27 and in the NW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Harmony Heights Lane.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 1.792 acre parcel of land from Park Forest to Medium Density Residential with a Planned Residential Development be continued to the February 19, 2004 Planning Commission meeting to be heard in conjunction with the Preliminary and Final Plat.**

\*9. No. 03PD058 - Fountain Springs Business Park

A request by Franklin Simpson to consider an application for a **Planned Development Designation** on a parcel of land described by metes and bounds as beginning at the southwesterly corner of Tract H of the Wesleyan Christian Center, Thence first course: N76°34'25"E a distance of 263.55 feet to the SE corner of said Tract H; Thence second course: N69°06'06"E a distance of 98.75 feet to the westerly right-of-way line of Sunny Springs Road; Thence third course: S17°49'19"E a distance of 195.45 feet to an angle point of Sunny Springs Road right-of-way; Thence fourth course: S27°11'30"W a distance of 14.14 feet to the north right-of-way line of Harmony Heights Lane; Thence fifth course: S72°12'18"W a distance of 256.21 feet to a point of curvature on the north line of Harmony Heights Lane; Thence sixth course: along an arc to the right, which radius is 170.00 feet an arc distance of 110.36 feet to a point of tangency on the north line of Harmony Heights Lane; Thence seventh course: N70°21'42"W a distance of 53.48 feet to the east right-of-way line of Plaza Boulevard; Thence eighth course: along the east right-of-way line of Plaza Boulevard, on an arc to the left, which radius is 333.35 feet an arc distance of 162.41 feet, and the chord bearing of N00°31'03"E a distance of 160.81 feet, to the point of beginning, said parcel of land containing 1.792 acres more or less, all lying in the NE1/4 SE1/4 of Section 27 and in the NW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Harmony Heights Lane.

**Planning Commission continued the public hearing on the Planned Development Designation to the February 19, 2004 Planning Commission**

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**meeting to be heard in conjunction with the Preliminary and Final Plat.**

10. No. 03PL112 - Fountain Springs Business Park

A request by Franklin Simpson to consider an application for a **Preliminary and Final Plat** on Tract M1 and M2, Fountain Springs Business Park, located in the NE1/4 SE1/4 of Section 27, and the NW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 SE1/4 of Section 27 and a portion of the NW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Harmony Heights Lane.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the February 19, 2004 Planning Commission meeting to allow the applicant to submit additional information.**

11. No. 03RZ049 - Fountain Springs Business Park

A request by Franklin Simpson to consider an application for a **Rezoning from General Agriculture District to Medium Density Residential District** on a parcel of land described by metes and bounds as beginning at the southwesterly corner of Tract H of the Wesleyan Christian Center, Thence first course: N76°34'25"E a distance of 263.55 feet to the SE corner of said Tract H; Thence second course: N69°06'06"E a distance of 98.75 feet to the westerly right-of-way line of Sunny Springs Road; Thence third course: S17°49'19"E a distance of 195.45 feet to an angle point of Sunny Springs Road right-of-way; Thence fourth course: S27°11'30"W a distance of 14.14 feet to the north right-of-way line of Harmony Heights Lane; Thence fifth course: S72°12'18"W a distance of 256.21 feet to a point of curvature on the north line of Harmony Heights Lane; Thence sixth course: along an arc to the right, which radius is 170.00 feet an arc distance of 110.36 feet to a point of tangency on the north line of Harmony Heights Lane; Thence seventh course: N70°21'42"W a distance of 53.48 feet to the east right-of-way line of Plaza Boulevard; Thence eighth course: along the east right-of-way line of Plaza Boulevard, on an arc to the left, which radius is 333.35 feet an arc distance of 162.41 feet, and the chord bearing of N00°31'03"E a distance of 160.81 feet, to the point of beginning, said parcel of land containing 1.792 acres more or less, all lying in the NE1/4 SE1/4 of Section 27 and in the NW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Harmony Heights Lane.

**Planning Commission recommended that the Rezoning from General Agriculture District to Medium Density Residential District be continued to the February 19, 2004 Planning Commission meeting to be heard in conjunction with the Preliminary and Final Plat.**

12. No. 03CA042 - Tyler Knue Subdivision

**Comprehensive Plan Amendment - Summary of Adoption Action** to change the Major Street Plan by relocating a Collector Street located along the east-west section line lying between Sections 13 and 24, T2N, R7E, BHM, Pennington County South Dakota and by relocating a Collector Street currently located along the north-south section line lying between the SW1/4 of Section 13, T2N, R7E and the SE1/4 of Section 14, T2N, R7E, BHM, Pennington County, South Dakota, more generally

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described as being located north of Nicole Street and west of Haines Avenue.

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

15. 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 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 February 5, 2004 Planning Commission meeting to allow the rezoning to be considered in conjunction with the Amendment to the Comprehensive Plan.**

16. 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** on 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 February 5, 2004 Planning Commission meeting to allow the rezoning to be considered in conjunction with the Amendment to the Comprehensive Plan.**

20. 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.

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

**Engineering Division Recommendations:**

1. Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as needed;
2. Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval;
3. Upon submittal of a Preliminary Plat, sewer plans prepared by a



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Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval;

4. Upon submittal of a Preliminary Plat, road construction plans for Thrush Drive shall be submitted for review and approval. In particular, Thrush Drive shall be constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
5. Upon submittal of a Preliminary Plat, road construction plans for West Boulevard North shall be submitted for review and approval. In particular, West Boulevard North shall be constructed with a 27 foot wide paved surface, curb, gutter sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
6. Upon submittal of a Preliminary Plat, road construction plans for Oriole Drive shall be submitted for review and approval. In particular, Oriole Drive shall be constructed with a 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
7. Prior to the vacation of the southern 135 feet of Oriole Drive, the applicant shall submit a site plan identifying the location of all existing utilities. In addition, the plat document shall be revised to show that portion of Oriole Drive proposed to be vacated as a utility easement. The applicant shall also enter into an agreement assuming responsibility for any replacement of surface improvement(s) for the same portion of Oriole Drive to be vacated. In addition, right-of-way shall be provided at the southern terminus of the street for the construction of a cul-de-sac bulb with a minimum 96 foot diameter right-of-way and a 76 foot diameter paved surface;
8. Upon submittal of a Preliminary Plat, the plat document shall be revised to show a non-access easement along West Boulevard North;
9. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;

**Fire Department Recommendations:**

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

**Urban Planning Division Recommendations:**

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

21. 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

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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.

**Planning Commission recommended that 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 approved with the following stipulations:**

**Engineering Division Recommendations:**

1. **Prior to City Council approval, the southern 135 feet of Oriole Drive shall be vacated;**
2. **Prior to City Council approval, road construction plans identifying the construction of curb, gutter and sidewalk along both sides of the balance of Oriole Drive, including a cul-de-sac bulb with a minimum 96 foot diameter right-of-way and a 76 foot diameter paved surface, shall be submitted for review and approval; and,**
3. **Prior to City Council approval, the applicant shall sign a waiver of right to protest a future assessment for the improvements along Thrush Drive, West Boulevard North and Oriole Drive.**

**\*22. No. 03UR019 - Morningside Subdivision**

A request by Alvin Ficek, Heartland GMAC Real Estate for the Rapid City Congregation of Jehovah's Witnesses to consider an application for a **Conditional Use Permit to allow a church in a High Density Residential Zoning District** on Lots 1 thru 4, Block 7; and Lots 5 and 6, Block 8; Morningside Subdivision, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Oriole Drive.

**Planning Commission continued the public hearing on the Conditional Use Permit to allow a church in a High Density Residential Zoning District to the March 25, 2004 Planning Commission meeting.**

**23. No. 03VR012 - Morningside Subdivision**

A request by Alvin Ficek for Heartland GMAC Real Estate for Barbara Van Ekeren and Peggy Kelly to consider an application for a **Vacation of Right-of-Way** on a portion of undeveloped Oriole Drive right-of-way adjoining Lots 2 and 3 in Block 7 and Lots 5 and 6 in Block 8 of Lot A of Morningside Subdivision, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Oriole Drive west of West Boulevard North.

**Planning Commission recommended that the Vacation of Right-of-Way be continued to the March 25, 2004 Planning Commission meeting.**

**\*24. No. 03PD062 - Riverside Addition**

A request by Gary Renner for First Western Bank to consider an application for a **Major Amendment to a Planned Commercial Development - Initial Development**



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**Plan** on Lots 1 thru 16, Lots 21 thru 28, Lots A thru F, and vacated alley, all located in Block 4 of Riverside Addition, and a portion of Eleventh St. Right-of-Way, located in SE1/4 of SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Omaha Street and West Boulevard.

**Planning Commission approved the Major Amendment to a Planned Commercial Development - Initial Development Plan with the following stipulations:**

1. A Final Plat shall be reviewed and approved prior to approval of a Final Planned Commercial Development. In addition, the eastern ten feet of the Eleventh Street right-of-way shall be vacated or the site plan shall be revised eliminating this area from the development;
2. Upon submittal of a Final Planned Commercial Development, site grading and drainage plans shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that storm water is being collected on site and routed to the existing public storm sewer system located in the Eleventh Street right-of-way;
3. Upon submittal of a Final Planned Commercial Development, a water and sewer plan shall be submitted for review and approval. In addition, the sewer plans shall show the abandonment of that portion of an existing sewer main located under the proposed structure;
4. Upon submittal of a Final Planned Commercial Development, a Special Exception shall be obtained to allow three approaches to a commercial property in lieu of two approaches as per the Street Design Criteria Manual or the site plan shall be revised to show only two approaches to the site;
5. Upon submittal of a Final Planned Commercial Development, a Special Exception shall be obtained to reduce the separation requirement from 230 feet to 205 feet between the proposed approach located along Omaha Street and the West Boulevard/Omaha Street intersection as per the Street Design Criteria Manual or the site plan shall be revised to meet the separation requirement;
6. Prior to approval of the Final Planned Commercial Development, the Eleventh Street right-of-way shall be vacated as proposed or the site plan shall be revised eliminating ten feet along the west lot line from the subject property;
7. Upon submittal of a Final Planned Commercial Development, a sign package shall be submitted for review and approval;
8. Upon submittal of a Final Planned Commercial Development, a lighting package shall be submitted for review and approval;
9. Upon submittal of a Final Planned Commercial Development, a complete landscaping plan shall be submitted for review and approval;
10. Upon submittal of a Final Planned Commercial Development, structural elevations for the proposed commercial structure(s) shall be submitted for review and approval. In addition, a list of building materials shall be submitted for review and approval;
11. Upon submittal of a Final Planned Commercial Development, the

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- applicant shall identify the specific use(s) to be located on the subject property. In addition, a parking plan shall be submitted for review and approval demonstrating that the minimum required parking spaces are being provided as per the City's adopted Parking Regulations;
12. Prior to approval of the Final Planned Commercial Development, the south half of the property shall be rezoned from Light Industrial District to General Commercial District;
  13. All provision of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Initial Planned Commercial Development or the Final Planned Commercial Development or a subsequent Major Amendment;
  14. Upon submittal of a Final Commercial Development Plan, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval;
  15. Prior to issuance of a building permit, fire hydrants shall be in place and operational;
  16. The commercial structure shall be sprinklered as required by the Uniform Fire Code;
  17. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre; and,
  18. Prior to approval of a Final Planned Commercial Development, an approach permit shall be obtained from the South Dakota Department of Transportation for the proposed approach along Omaha Street. In addition, the applicant shall provide signage identifying that the approach functions as a right-in/right-out approach.

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

25. No. 03PL126 - Riverside Addition

A request by Gary Renner for First Western Bank to consider an application for a **Layout Plat** on Tract A of Block 4, Riverside Addition, located in SE1/4 of SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 16, Lots 21 thru 28, Lots A thru F, and vacated alley, all located in Block 4 of Riverside Addition, and a portion of Eleventh St. Right-of-Way, located in SE1/4 of SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Omaha Street and West Boulevard.

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

1. Upon submittal of a Preliminary Plat application, site grading and drainage plans shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that storm water is being collected on site and routed to the existing public storm sewer system located in

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- the Eleventh Street right-of-way;
2. Upon submittal of a Preliminary Plat application, sewer construction plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval. In addition, the sewer plans shall show the abandonment of that portion of an existing sewer main located under the proposed structure;
  3. Upon submittal of a Preliminary Plat application, water main construction plans prepared by a Registered Professional Engineer showing the extension of water mains and service lines shall be submitted for review and approval;
  4. Upon submittal of a Preliminary Plat application, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of water, sewer, storm drainage, curb, gutter, regulatory or traffic signage, pavement markings and sidewalk improvements for all adjacent roadways or a Variance to the Subdivision Regulations shall be obtained;
  5. Upon submittal of a Preliminary Plat application or a Vacation of Right-of-way application to vacate the eastern ten feet of the Eleventh Street right-of-way, the vacation request, including any exhibits or plat documents, shall be revised to show no vacation of right-of-way along the northern 55 feet of the Eleventh Street frontage. In addition, the adjacent property owner shall sign a vacation of right-of-way petition prior to the right-of-way being vacated. The applicant shall also submit documentation that all of the affected utilities concur with the vacation request;
  6. A Special Exception is hereby granted to allow three approaches to a commercial property in lieu of two approaches as per the Street Design Criteria Manual;
  7. A Special Exception is hereby granted to reduce the separation requirement from 230 feet to 205 feet between the proposed approach located along Omaha Street and the West Boulevard/Omaha Street intersection as per the Street Design Criteria Manual;
  8. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;
  9. 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;
  10. 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; and,
  11. Prior to submittal of a Final Plat application, an approach permit shall be obtained from the South Dakota Department of Transportation for the proposed approach along Omaha Street. In addition, the applicant shall provide signage identifying that the approach functions as a right-in/right-out approach or surety shall be posted for the improvement

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**upon submittal of a Final Plat application.**

28. No. 04OA001 - Ordinance Amendment

A request by the City of Rapid City to consider an application for an **Ordinance Amendment** to consider amendments to Section 17.04.240 of the Rapid City Municipal Code pertaining to the definition of "dwelling unit".

**Planning Commission recommended that the Ordinance Amendment revising the definition of a "dwelling unit" be approved.**

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

Brannan requested that Items 13 and 14 be considered concurrently.

13. No. 03CA044 - Bradsky Subdivision

A request by WellSpring, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 1.240 acre parcel of land from Light Industrial to Office Commercial** 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.

\*14. 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.

In response to a question by Brannan, Elkins explained that staff is recommending that Items 13 and 14 be continued to the February 5, 2004 Planning Commission meeting to allow staff time to re-advertise the corrected legal.

**Brannan moved, seconded by Henning and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on a 1.240 acre parcel of land from Light Industrial to Office Commercial and the public hearing on the Planned Development Designation be continued to the February 5, 2004 Planning Commission meeting. (7 to 0 with Brannan, Henning, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

Elkins requested that Items 17 thru 19 be considered concurrently.

17. No. 03CA045 - Neff's Subdivision

A request by Thurston Design Group, LLP for the Children's Home Society of South Dakota to consider an application for an **Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Area Future Land Use Plan to change the future land use designation on a 2.79 acre parcel from a Low Density Residential to Office Commercial with a Planned Commercial Development** on Tract B, Neff's Subdivision #4, Section 3, T1N, R8E, BHM, Rapid City, Pennington

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County, South Dakota, more generally described as being located at 1330 Jolly Lane.

\*18. No. 03PD063 - Neff's Subdivision

A request by Thurston Design Group, LLP for the Children's Home Society of South Dakota to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Tract B, Neff's Subdivision #4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1330 Jolly Lane.

19. No. 03RZ057 - Neff's Subdivision

A request by Thurston Design Group, LLP for the Children's Home Society of South Dakota to consider an application for a **Rezoning from Low Density Residential District to Office Commercial District** on Tract B, Neff's Subdivision #4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1330 Jolly Lane.

Elkins reviewed the requests and staff's recommendations. She pointed out that a public comment letter from Stephen Pabst had been placed on the dais for Planning Commission review.

Stephen Pabst, 1530 Jolly Lane, expressed his concerns regarding drainage issues.

Elkins explained that stipulation #4 for the Planned Commercial Development - Initial and Final Development Plan addresses drainage issues.

**Brannan moved, seconded by Wevik and unanimously carried to recommend that the Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Area Future Land Use Plan to change the future land use designation on a 2.79 acre parcel from a Low Density Residential to Office Commercial with a Planned Commercial Development be approved; that the Rezoning from Low Density Residential District to Office Commercial District be approved in conjunction with a Planned Commercial Development – Initial and Final Development Plan and the related Amendment to the Comprehensive Plan; and, that the Planned Commercial Development – Initial and Final Development Plan be approved with the following stipulations:**

1. **All Uniform Fire Codes shall be continually met;**
2. **Prior to issuance of a building permit, the applicant shall submit plans showing that the residential/office structure will be sprinklered. In addition, an on-site fire hydrant may be needed to provide adequate fire protection as determined by the Fire Department;**
3. **Pine trees shall be used as screening to buffer potential future office commercial uses from the surrounding residential neighborhood on the southern boundary of the developed property;**
4. **Prior to issuance of a building permit for the proposed building addition, construction of facilities shall be completed to carry the discharge from the existing on-site storm water detention pond to the 60 inch storm sewer;**

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5. The on-site detention pond shall remain in place and shall be maintained in good operating condition at all times by the owner of the property;
6. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
7. All provisions of the Off-Street Parking Ordinance shall be continually met;
8. All provisions of the Landscaping Regulations shall be continually met;
9. A maximum of twelve children shall be allowed at the emergency foster home at any one time. Outside counseling services and general office uses are also permitted. Any change in use or additional use, such as a caretaker's home, shall require a Major Amendment to the Planned Commercial Development;
10. All exterior lighting shall be designed so as not to shine on the adjacent properties;
11. The proposed structure shall conform architecturally to the plans and elevations submitted as part of this Planned Commercial Development and the existing building; and,
12. The Final Commercial Development Plan approval shall expire if the use is not undertaken and completed within two years of the date of approval by City Council, or if the use as approved has ceased for a period of two years. (7 to 0 with Brannan, Henning, Nash, 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.***

26. No. 03RZ056 - Riverside Addition

A request by Gary Renner for First Western Bank to consider an application for a **Rezoning from Light Industrial District to General Commercial District** on Lots 1 thru 16, Lots 21 thru 28, Lots A thru F, all located in Block 4 of Riverside Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Omaha Street and West Boulevard.

Fisher explained that the northern half of the block is currently zoned General Commercial District and does not need to be included in this request. She presented a revised recommendation to approve the Rezoning from Light Industrial District to General Commercial District on Lots 21 thru 28, Lots A thru F, all located in Block 4 of Riverside Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota.

**Wevik moved, seconded by Stone and unanimously carried to recommend that the Rezoning from Light Industrial to General Commercial District be approved in conjunction with the Major Amendment to the Initial Planned Commercial Development with the following revised legal description: Lots 21 thru 28, Lots A thru F, all located in Block 4 of Riverside Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota. (7 to 0 with**



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**Brannan, Henning, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

27. No. 03SV051 - Windmere Subdivision

A request by Olsen Development Co., Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to reduce the easement width from 49 feet to 32 feet, to reduce the easement width from 52 feet to 32 feet, to reduce the pavement width from 27 feet to 24 feet, to waive the requirement to provide sidewalks on both sides of the street, and to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 28, Block 5, Windmere Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Block 5, Windmere Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the southwest corner of Twilight Drive and Meadow Lane.

Fisher explained that the applicant has failed to meet the mailing notification requirements and as such staff is recommending that the Variance to the Subdivision Regulations be continued to the February 5, 2004 Planning Commission meeting.

**Nash moved, seconded by Stone and unanimously carried to recommend that the Variance to the Subdivision Regulations to reduce the easement width from 49 feet to 32 feet, to reduce the easement width from 52 feet to 32 feet, to reduce the pavement width from 27 feet to 24 feet, to waive the requirement to provide sidewalks on both sides of the street, and to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code be continued to the February 5, 2004 Planning Commission meeting. (7 to 0 with Brannan, Henning, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

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

\*29. 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.

Elkins advised that the stipulations of approval have not been met and as such staff is recommending that the public hearing on the Review of a Conditional Use Permit to allow a Mobile Home Park in the Medium Density Residential District be continued to the February 5, 2004 Planning Commission meeting.

**Stone 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 February 5, 2004**

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**Planning Commission meeting. (7 to 0 with Brannan, Henning, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

\*30. No. 03PD059 - Vista Lake Subdivision

A request by Dakota Land Development to consider an application for a **Major Amendment to a Planned Residential Development to eliminate the requirement that residential structures be located within the serviceable water zone boundaries** on Lot 1 of Lot F-1 and Lot F1 less Cleghorn Canyon #2, Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Jackson Boulevard north of the Fish Hatchery.

Fisher stated that the applicant has submitted a request that the Major Amendment to a Planned Residential Development to eliminate the requirement that residential structures be located within the serviceable water zone boundaries be denied without prejudice. She indicated that staff supports that request.

**Nash moved, seconded by Stone and unanimously carried to deny without prejudice the Major Amendment to a Planned Residential Development to eliminate the requirement that residential structures be located within the serviceable water zone boundaries. (7 to 0 with Brannan, Henning, Nash, 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.***

31. No. 03RZ050 - Original Town of Rapid City

A request by Derby Enterprises for Phatty McGee's, Inc. to consider an application for a **Rezoning from General Commercial District to Central Business District** on the south 50 feet of Lots 28 thru 32, Block 63, Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 321 7th Street.

Fisher stated that the applicant has requested that the rezoning from General Commercial District to Central Business District be denied without prejudice and that would be staff's recommendation.

**Nash moved, seconded by Henning to recommend that the rezoning from General Commercial District to Central Business District be denied without prejudice at the applicant's request. (7 to 0 with Brannan, Henning, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

32. No. 03SR046 - CD Rounds Subdivision

A request by Fisk Land Surveying & Consulting Engineering for Mega Com to consider an application for an **11-6-19 SDCL Review to allow for the construction of a public utility** on Tract C, CD Rounds Subdivision, Section 33, T2N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located at 3401 Sturgis Road.

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Tucker presented the request and staff's recommendation.

In response to a question by Brannan, Mark Mainer, MegaCom, advised that the applicant concurs with the stipulations of approval.

Discussion followed concerning screening and the landscaping plan.

Brannan thanked the applicant for the leadership role that they have taken concerning placement of cell towers in the community.

**Brannan moved, seconded by Henning and unanimously carried to recommend that the 11-6-19 SDCL Review to allow for the construction of a public utility be approved with the following stipulations:**

1. **Prior to issuance of a Building Permit, a Grading/Drain Plan must be submitted for review and approval;**
2. **Prior to issuance of a Building Permit, a copy of a Geotechnical Analysis for the tower footing must be submitted for review and approval;**
3. **Prior to issuance of a Certificate of Occupancy, the facility(s) addresses shall be posted. Said numbers shall be a minimum of twelve inches in height, plainly visible and legible from the street or road fronting the property and displayed on a contrasting background;**
4. **A building permit shall be obtained prior to the initiation of construction, and a Certificate of Occupancy shall be obtained prior to occupancy of the building;**
5. **Upon submittal of a building permit, Architect/Engineered stamped plans shall be submitted;**
6. **The tower shall be designed to allow for the co-location of a minimum of two additional antennas (for a total of three antennae) except where the additional antennas would interfere or impact the applicant's proposed antenna(s); and,**
7. **The tower shall be constructed according to the design plans submitted with the tower appearing as a flag pole. (7 to 0 with Brannan, Henning, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

Tucker requested that Items 33 and 34 be considered concurrently.

33. No. 03SR051 - Wise's Addition

A request by Alliance of Architects and Engineers for Pennington County Housing and Redevelopment to consider an application for an **11-6-19 SDCL to allow the expansion of an existing parking lot** on Lots 1 thru 4 and Lots 5 thru 17; and 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 in the S1/2 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.

34. No. 03VR013 - Wise's Addition

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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 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 presented the request and reviewed staff's recommendations.

**Stone moved, seconded by Wevik and unanimously carried to recommend that the 11-6-19 SDCL to allow the expansion of an existing parking lot be approved with the following stipulations:**

1. Prior to the initiation of any construction the existing alley right-of-way must be vacated;
2. Prior to Planning Commission approval, the applicant shall enter into a covenant 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;
3. A building permit shall be obtained prior to initiation of construction; and,

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

**Engineering Division Recommendations:**

1. Prior to Planning Commission approval, the applicant shall enter into a covenant 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. (7 to 0 with Brannan, Henning, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

**\*35. No. 03UR016 - Section 11, T1N, R7E**

A request by Lindsay Bold for KEVN, Inc. to consider an application for a **Conditional Use Permit to allow a television station and transmission towers** on Tract B (part of the NW1/4 NW1/4 west of Skyline Drive), Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2000 Skyline Drive.

Tucker stated that staff is recommending that the public hearing on the Conditional Use Permit to allow a television station and transmission towers be continued to the February 5, 2004 Planning Commission meeting to allow the applicant time to seek a variance to reduce the required off street parking requirements.

**Wevik moved, seconded by Nash and unanimously carried to the continue the public hearing on the Conditional Use Permit to allow a television station and transmission towers be continued to the February 5, 2004 Planning Commission meeting. (7 to 0 with Brannan, Henning, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

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\*36. No. 03UR020 - Section 5, T1N, R8E

A request by Henriksen, Inc. for TREA Northgate Bingo to consider an application for a **Conditional Use Permit to allow an On-Sale Liquor Establishment in a General Commercial Zoning District** on Tract A of SW1/4 NE1/4 and NW1/4 SE1/4 located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1981 East Centre Street.

Elkins presented the request and reviewed the staff recommendation.

Discussion followed concerning the close proximity of Western Dakota Technical Institute, buffers, transfer of the On-Sale Liquor License and the expansion of the facility.

Lyle Henriksen, Henriksen Inc. for TREA Northgate Bingo reviewed the project, the plans to relocate the business on the property and the transfer of the liquor license from Northgate Bingo.

In response to a question by Prairie Chicken, Henriksen advised that the applicant has resolved the parking and lighting issues with the adjacent property owners.

**Stone moved, seconded by Henning and unanimously carried to approve the Conditional Use Permit to allow an On-Sale Liquor Establishment in a General Commercial Zoning District with the following stipulations:**

1. **Prior to removal of the existing structure a Demolition Permit must be obtained;**
2. **Prior to initiation of construction of any signs on the property, a Sign Permit must be obtained;**
3. **Prior to issuance of a Sign Permit a site plan must be submitted indicating the location of the sign;**
4. **An amendment to the existing Air Quality Permit must be obtained to cover additional disturbance caused during Phase Three of the project; and,**
5. **Prior to issuance of a Certificate of Occupancy, a post construction survey of the property shall be performed to verify that the structure is located in accordance with the approved plans. (7 to 0 with Brannan, Henning, Nash, 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.***

37. Discussion Items

A. Multi-family Dwelling Units in Medium Density Residential Zoning Districts

Discussion followed concerning amendments to the Zoning Ordinance that would require either a Conditional Use Permit or a Planned Development for larger facilities in Medium Density Residential Zoning Districts.

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**Henning moved, seconded by Prairie Chicken and unanimously carried to continue the discussion of Multi-family Dwelling Units in Medium Density Residential Zoning Districts to February 5, 2004 Planning Commission meeting. (7 to 0 with Brannan, Henning, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**

- B. Allowing Multi-Family Dwelling Units in Low Density Residential Zoning Districts

Discussion followed concerning potential ordinance revisions to allow apartments in Low Density Residential Zoning Districts and the various definitions of "dwelling unit".

**Nash moved, seconded by Stone and carried to table the discussion on allowing Multi-Family Dwelling Units in Low Density Residential Zoning Districts. (5 to 2 with Brannan, Henning, Nash, Stone, Wevik voting yes and Prairie Chicken and Schmidt voting no)**

38. Staff Items

- A. Name Change

Elkins advised that the Planning Department's name has changed to Growth Management Department.

39. Planning Commission Items

- A. Plat Documents

In response to a question by Nash concerning the graphics that are on-line, Elkins advised that staff would work with the applicants on providing clear graphics.

- B. Continuances

Discussion followed concerning the number of continuances and the Planning Commission's options.

**There being no further business Prairie Chicken moved, seconded by Nash and unanimously carried to adjourn the meeting at 7:55 a.m. (7 to 0 with Brannan, Henning, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)**