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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
February 19, 2004

MEMBERS PRESENT: Gary Brown, Ida Fast Wolf, Kathryn Henning, Jeff Hoffmann, Scott Nash, Mel Prairie Chicken, Ethan Schmidt, Jeff Stone and Stuart Wevik. Also, present was City Council Representative, Sam Kooiker.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Todd Tucker, Bill Knight, Dave Johnson, Kurt Huus, Sig Zveinieks, Jason Green, Joel Landeen and Nadine Bauer

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

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

Kooiker requested that Item 9 be removed from the Non-Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, seconded by Brown and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 9 in accordance with the staff recommendations with the exception of Item 9. (8 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the February 5, 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 denied without prejudice.
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,

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Rapid City, Pennington County, South Dakota, more generally described as being located northwest of U.S. Highway 16 and Moon Meadows Road.

Planning Commission recommended that the Preliminary and Final Plat be continued to the March 4, 2004 Planning Commission meeting.

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 approved with the following stipulations:

1. **Prior to Planning Commission approval of the Preliminary Plat, the applicant shall identify if the property shall be Final Platted in phases or the Final Plat shall include all of the proposed lots;**
2. **Prior to City Council approval of the Preliminary Plat, the construction plans shall be revised to show that portion of Bethpage Drive extending west from the Bethpage Drive/Prestwick Road intersection with a minimum 76 foot wide right-of-way and a minimum 40 foot wide paved surface;**
3. **Prior to City Council approval of the Preliminary Plat, construction plans for the extension of Bethpage Drive to the north lot line shall be submitted for review and approval. In particular, Bethpage Drive shall be located in a minimum 52 foot wide right-of-way with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained. In addition, a temporary turnaround shall be provided at the northern terminus of Bethpage Drive;**
4. **Prior to City Council approval of the Preliminary Plat, written documentation of flows being provided from the water system shall be submitted for review and approval;**
5. **Prior to City Council approval of the Preliminary Plat, a grading plan shall be submitted for review and approval for the proposed drainage pipe design to be located along the common lot line of Lots 9 and 10 of Block 18;**
6. **Prior to City Council approval of the Preliminary Plat, a Variance to the Subdivision Regulations shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement;**
7. **Prior to City Council approval of the Preliminary Plat, a revised sewer plan shall be submitted for review and approval. In particular, the sewer plans shall show the elimination of the drop manholes or access shall**

- be provided to the manholes. In addition, the plat document shall be revised to show additional utility easements as needed;
8. Prior to City Council approval of the Preliminary Plat, a private utility plan shall be submitted for review and approval;
 9. Prior to City Council approval of the Preliminary Plat, revisions to the drainage plan shall be submitted for review and approval. In particular, the applicant shall demonstrate that run-of discharged to the adjacent properties is properly addressed;
 10. Prior to City Council approval of the Preliminary Plat, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;
 11. A Special Exception is hereby granted to allow 46 dwelling units in lieu of 40 dwelling units with one point of access as per the Street Design Criteria Manual;
 12. A Special Exception is hereby granted to allow an 1,800 foot long cul-de-sac and a 2,300 foot long cul-de-sac, respectively, without intermediate turnarounds every 600 feet in lieu of a maximum 600 foot long cul-de-sac with intermediate turnarounds every 600 feet s per the Street Design Criteria Manual;
 13. Prior to City Council approval of the Final Plat, the plat document shall be revised to show a Major Drainage Easement on Outlot G2 as needed;
 14. Prior to City Council approval of the Final Plat, the plat document shall be revised re-labeling the outlots as a Lot and Block. In addition, Lots 1 and 2 of Block 12 shall be re-labeled as these lot numbers already exist;
 15. Prior to City Council approval of the Final Plat, the plat document shall be revised to include a note identifying the use of Outlot X or Outlot X shall be shown as an easement precluding any development until the lot is plated into the adjacent property located directly north of the lot;
 16. Prior to City Council approval of the Final Plat, the plat document shall be revised to show the shared driveway located on Lots 4 and 5 of Block 18 as a 40 foot X 40 foot "shared approach and intermediate turnaround";
 17. Prior to City Council approval of the Preliminary Plat, a subdivision estimate form shall be submitted for review and approval; and,
 18. 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.
5. No. 04PL002 - Clarkson Subdivision
A request by Timothy Kopren to consider an application for a **Preliminary Plat** on Lot A and Lot B of Lot 2 of Block 1, Clarkson Subdivision, located in the NE1/4 of the NE1/4 of Section 31, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Block 1, Clarkson Subdivision, located in the NE1/4 of the NE1/4 Section 31, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 7989 Clarkson Road.

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

1. **Prior to City Council approval of the Preliminary Plat, the applicant shall identify the size and material of the existing water main located in Clarkson Road. In addition, the applicant shall submit written documentation from the Colonial Pine Hills Sanitary District granting permission for another water service line to be extended to proposed Lot A of Lot 2 to serve the future residence to be constructed on the lot;**
2. **Prior to City Council approval of the Preliminary Plat, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;**
3. **Prior to City Council approval of the Preliminary Plat, a cost estimate for any required subdivision improvements shall be submitted for review and approval;**
4. **Upon submittal of the Final Plat application, the plat document shall be revised to show the dedication of five additional feet of right-of-way along Clarkson Road;**
5. **Upon submittal of the Final Plat application, a Conditional Use Permit to allow an accessory structure prior to a principal structure on proposed Lot A of Lot 2 shall be approved by the Pennington County Planning Commission or the existing garage shall be removed from the property;**
6. **Upon submittal of the Final Plat application, the plat title shall be revised to read "formerly Lot 2 of Block 1, Clarkson Subdivision"; and,**
7. **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.**

6. No. 04PL003 - Trailwood Village

A request by Sperlich Consulting, Inc. for Gordon Howie to consider an application for a **Layout and Preliminary Plat** on Lots 1, 2 and 3 of Block 22, Trailwood Village located in the E1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village located in the E1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located along Williams Street.

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

1. **Prior to Planning Commission approval of the Preliminary Plat, a revised Master Plan shall be submitted for review and approval;**
2. **Prior to City Council approval of the Preliminary Plat, a revised grading plan shall be submitted for review and approval;**
3. **Prior to City Council approval of the Preliminary Plat, a private utility plan shall be submitted for review and approval;**
4. **Upon submittal of the Final Plat application, the plat document shall be revised to provide a minimum 20 foot wide Major Drainage Easement along the common lot line of Lots 1 and 2;**
5. **Upon submittal of the Final Plat application, the applicant shall submit a miscellaneous document recorded at the Register of Deed's Office securing a Major Drainage Easement as needed on the balance of Tract T;**

6. **Upon submittal of the Final Plat application, the plat document shall be revised to include the dedication of Williams Street as it abuts the subject property or the right-of-way shall be dedicated as a part of a separate Final Plat action or as an "H" Lot;**
 7. **Prior to City Council approval of the Preliminary Plat, a subdivision estimate form shall be submitted for review and approval; and,**
 8. **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.**
7. No. 04PL004 - Elks County Estates

A request by Sperlich Consulting, Inc. for Dennis Zandstra to consider an application for a **Layout and Preliminary Plat** on Lots 3 thru 5 of Block 9 and Lots 11 thru 16 of Block 10 of Elks Country Estates, located in the NE1/4 of the NW1/4, Section 16, T1N, R8E, Rapid City, Pennington County, South Dakota, legally described as a portion of Lots 6 and 8 of Block 10 of Elks County Estates and a portion of Tract 1 of the E1/2 of Section 16, located in the NE1/4 of the NW1/4, Section 16, T1N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located south of Willowbend Road along Padre Drive and Sawgrass Court.

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

1. **Prior to City Council approval of the Preliminary Plat, the plat document shall be revised to show a non-access easement along Padre Drive and all corner lots as per the Street Design Criteria Manual;**
2. **Prior to City Council approval of the Preliminary Plat, the plat title shall be changed to read "Section 16" in lieu of "Section 21" and to read "E1/2 in lieu of "ED";**
3. **Prior to City Council approval of the Preliminary Plat, the plat document shall be revised to show a minimum 10 foot wide Major Drainage Easement along the north lot line of proposed Lots 11 and 12;**
4. **Prior to City Council approval of the Preliminary Plat, a revised plat document eliminating Lot 5 of Block 9 shall be submitted for review and approval;**
5. **Prior to City Council approval of the Preliminary Plat, a revised sewer plan shall be submitted for review and approval;**
6. **Prior to City Council approval of the Preliminary Plat, a private utility plan shall be submitted for review and approval;**
7. **Prior to City Council approval of the Preliminary Plat, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;**
8. **Prior to City Council approval of the Preliminary Plat, a subdivision estimate form shall be submitted for review and approval; and,**
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.**

8. No. 04RD001

A request by the City of Rapid City to consider an application for a **Resolution changing that portion of the road named Rapid Street to Apolda Street between the intersection of Rapid Street and 6th Street and Rapid Street and Mt. Rushmore Road.**

Planning Commission recommended that the Resolution changing that portion of the road named Rapid Street to Apolda Street between the intersection of Rapid Street and 6th Street and Rapid Street and Mt. Rushmore Road be approved.

END OF NON-HEARING CONSENT CALENDAR

9. No. 03SR048 - Providence Subdivision

A request by Realcom Associates for Western Wireless Corporation to consider an application for an **11-6-19 SDCL Review to allow for the construction of a public utility** on Lot CR of Block 12-13(Ordinance #1925, 1945) Block 12, Providence Subdivision, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2449 West Chicago Street.

Discussion followed concerning notification procedures for 11-6-19 SDCL Reviews.

Prairie Chicken moved, seconded by Schmidt and unanimously carried to recommend that the 11-6-19 SDCL Review to allow for the construction of a public utility be continued to the April 22, 2004 Planning Commission meeting and directed staff to send official notice of the hearing by first class mail to those owners of property located within 250 feet of the subject property. (8 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

Hoffmann announced that the Public Hearings on Items 10 through 22 were hereby opened.

Staff requested that Item 22 be removed from the Hearing Consent Agenda for separate consideration.

The Public Hearings on Items 10 through 22 were hereby closed with the exception of Item 22.

Stone moved, seconded by Henning and unanimously carried to recommend approval of the Hearing Consent Agenda Items 10 through 22 in accordance with the staff recommendations with the exception of Item 22. (8 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt, Stone and Wevik voting yes and none voting no)

10. No. 03CA045 - Neff's Subdivision

Summary of Adoption Action - 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 County, South Dakota, more generally described as being located at 1330 Jolly Lane.

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

11. 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 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 denied without prejudice.

*12. 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 denied without prejudice the Planned Development Designation.

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.

13. 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 denied without prejudice.

14. 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 denied without prejudice.

15. No. 04OA003 - Ordinance Amendment

A request by the City of Rapid City to consider an application for an **Ordinance Amendment** to consider adding Section 2.60.195 to the Rapid City Municipal Code pertaining to hearing notices for SDCL 11-6-19 Reviews.

Planning Commission recommended that the Ordinance Amendment to consider adding Section 2.60.195 to the Rapid City Municipal Code pertaining to hearing notices for SDCL 11-6-19 Reviews be continued to the March 4, 2004 Planning Commission meeting.

16. No. 04OA004 - Ordinance Amendment

A request by the City of Rapid City to consider an application for an **Ordinance Amendment** to consider amendments to Section 2.60.150 of the Rapid City Municipal Code pertaining to Comprehensive Plan - Adoption.

Planning Commission recommended that the Ordinance Amendment to consider amendments to Section 2.60.150 of the Rapid City Municipal Code pertaining to Comprehensive Plan - Adoption be approved.

*17. No. 04PD002 - Autumn Hills Plaza Subdivision

A request by Dream Design International, Inc. for GBA, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lots 1 and 2, Autumn Hills Plaza Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5312 and 5324 Sheridan Lake Road.

Planning Commission continued the public hearing on the Planned Commercial Development - Initial and Final Development Plan to the March 4, 2004 Planning Commission meeting to allow the applicant to submit additional information.

*18. No. 04PD004 - Section 21, T1N, R7E

A request by TSP Three, Inc. for Calvary Lutheran Church to consider an application for a **Planned Residential Development - Final Development Plan** on Lot 1 of the SE1/4 NE1/4 less the west 264 feet and less Lot H1; Lot 2 of the SE1/4 NE1/4 less Lot H1; and, Lot 3 of the SE1/4 NE1/4 less right-of-way and less Lot H1; all located in Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5275 Sheridan Lake Road.

Planning Commission continued the public hearing on the Planned Residential Development - Final Development Plan to the March 4, 2004 Planning

Commission meeting to allow the applicant to submit additional information.

*19. No. 04PD005 - Section 4, T1N, R7E

A request by Daniel L. Pahlke to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot A of Lot 3 of the SE1/4 NE1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1010 Soo San Drive.

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

1. Any expansions of the building must provide the minimum setbacks as per Section 17.40 of the Rapid City Municipal Code;
2. A building permit shall be obtained prior to initiation of any parking lot construction;
3. A Sign Permit must be obtained prior to the construction or conversion of any sign on the property;
4. A Knox Box shall be installed in an accessible location as determined by the Fire Department; and,
5. Prior to issuance of a Building Permit either a drainage plan, or curb elevations for the parking lot addition must be submitted.

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

20. No. 04SV002 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on 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 Variance to the Subdivision Regulations to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code be approved.

*21. No. 03UR013 - Century 21 Subdivision

A request by Lamar Advertising to consider an application for a **Conditional Use Permit to allow billboards** on Tract 1 of Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400, 1450 and 1600 East North Street.

Planning Commission continued the public hearing on the Conditional Use Permit to allow billboards to the March 25, 2004 Planning Commission meeting to allow the applicant to provide further information and a revised site plan.

---END OF HEARING CONSENT CALENDAR---

*22. No. 04UR001 - Nicholl's Subdivision

A request by Centerline for Linweld, Inc. to consider an application for a **Conditional Use Permit for a waste material dump** on a 1.348 acre parcel of land situated in Lot A of Lot 5 of Nicholl's Subdivision, located in the NE1/4 NE1/4 of Section 7, Township 1 North, Range 8 East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota; said 1.348 acre of land being more particularly described by metes and bounds as follows: BEGINNING at a 1-inch diameter iron pipe found in-place for the Northwest corner of said Lot A of Lot 5 of Nicholl's Subdivision; Thence South 89°53'47" East, along the North line of said Lot A, a distance of 196.90 feet to a point for corner from which a Mag Nail found in-place for the Northeast corner of said Lot A bears South 89°53'47" East a distance of 168.86 feet; Thence South 25°15'41" East a distance of 131.74 feet to a point for corner; Thence South 13°11'10" East a distance of 94.43 feet to a point for corner; Thence South 21°24'22" East a distance of 95.87 feet to a point for corner on the South line of said Lot A from which a 1-inch diameter iron pipe found in-place for the Southeast corner of said Lot A bears North 89°59'11" East a distance of 196.00 feet; Thence South 89°59'11" West, along the South line of said Lot A, a distance of 10.45 feet to a point for corner from which a 1-inch diameter iron pipe with cap found in-place for the Southwest corner of said Lot A bears South 89°59'11" West a distance of 298.45 feet; Thence North 73°30'32" West a distance of 117.09 feet to a point for corner; Thence North 59°23'11" West a distance of 216.75 feet to a point for corner on the West line of said Lot A; Thence North 00°08'41" West, along the West line of said Lot A, a distance of 157.08 feet to the POINT OF BEGINNING, more generally described as being located at 1311 E. St. Joseph Street.

Tucker presented the request and advised that staff is recommending approval with revised stipulations.

Discussion followed concerning the construction of the parking lot and the applicant submitting a minimal amendment to the Conditional Use Permit for a waste material dump.

Henning moved, seconded by Wevik and unanimously carried to approve the Conditional Use Permit for a waste material dump with the following stipulations:

1. **Prior to the initiation of the construction of a parking lot or access, a minimal amendment to the Conditional Use Permit must be obtained. The request for a minimal amendment shall be accompanied by a parking plan designed in accordance with all provisions of the Rapid City Municipal Code. Any use other than a parking lot must be approved as a Major Amendment to the Conditional Use Permit prior to the initiation of the use;**
2. **Prior to the initiation of the construction of the parking lot or access, a Building Permit must be obtained;**
3. **A Flood Plain Development Permit must be obtained for any development or grading subject to the provisions of Section 15.32 of the Rapid City Municipal Code;**

4. **An Air Quality Permit shall be obtained if one acre of land is disturbed due to any grading or construction; and,**
5. **Prior to initiation of any on-site grading, a Grading Permit must be obtained. (8 to 0 with Brown, Henning, Hoffmann, 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

Fast Wolf arrived at this time.

23. No. 04SV001 - Big Sky Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, water, street light conduit and pavement along the eastern 115 feet of Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code** on the unplatted portion of the SW1/4 NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Homestead Street.

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

Hani Shafi, Dream Design International, Inc., reviewed the constructability of the eastern 75 feet of Homestead Street. He explained that due to the slope of the area construction of the road requires that easements be obtained from the neighbor to the east. He further explained that the applicant is unable to obtain drainage or construction easements from the neighboring property, as the property is included in an Internal Revenue Service lien. Shafi requested that the Planning Commission approve the variance request to waive the requirement to install curb, gutter, sewer, and pavement along the eastern 75 feet of Homestead Street.

Jason Miller, 1037 Ziebach Street, expressed his concerns with the completion of Homestead Street and drainage issues.

Shafi stated that the applicant would be willing to dedicate right-of-way and sign any necessary waivers to insure that Homestead Street would be constructed.

Elkins explained that the applicant has already obtained Preliminary Plat approval. She added that the Preliminary Plat shows construction and design plans for this section of road. She further expressed concerns constructing substandard streets and access issues. She added that it would not be economically feasible for the city to do an assessment project for a 75 foot section of road. Elkins briefly reviewed the applicant's options.

Discussion followed concerning dedication of right-of-way for the eastern 115 feet of

Homestead Street, the applicant's request for a waiver of right to protest any future assessment for the improvements, previously submitted construction plans, physical obstacles preventing the street from being constructed, the platting process and street connectivity.

Schmidt moved and seconded by Henning to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, water, street light conduit and pavement along the eastern 115 feet of Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code be denied.

Lengthy discussion followed concerning the severe slope and constructability of the road, erosion and drainage issues and the future development of the area.

Nash made a substitute motion to recommend approval of the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, water, street light conduit and pavement along the eastern 75 feet of Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code and that the applicant sign a waiver of right to protest any future assessment for improvements. The motion was seconded by Stone.

Discussion followed concerning the applicant providing a cash bond or signing a waiver of right to protest any future assessment for improvements.

In response to a question by Schmidt, Shafi stated that the applicant does not wish to remove the right-of-way from the Preliminary Plat or change the previously approved Preliminary Plat.

Nash amended his substitute motion to require the applicant to provide a cash bond rather than sign a waiver of right to protest any future assessment for improvements. Stone concurred with the amended substitute motion.

The vote on the motion to recommend approval of Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, water, street light conduit and pavement along the eastern 75 feet of Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code and that the applicant post a cash bond prior to City Council approval. (6 to 3 with Brown, Henning, Hoffmann, Nash, Stone and Wevik voting yes and Fast Wolf, Prairie Chicken and Schmidt voting no)

Tucker requested that Items 24 and 25 be considered concurrently.

24. No. 04CA001 - Haley's Addition

A request by Bruce Olson to consider an application for an **Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Area Future Land Use Plan to change the future land use designation on a 0.13 acre parcel from Low Density Residential to Medium Density Residential** on Lots 4 and 5, Block 1, Haley's Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1123 North 7th

Street.

25. No. 04RZ001 - Haley's Addition

A request by Bruce Olson to consider an application for a **Rezoning from Low Density Residential District to Medium Density Residential District** on Lots 4 and 5, Block 1, Haley's Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1123 North 7th Street.

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

Bruce Olson, applicant, briefly described the history of the subject property and the surrounding zoning. He asked the Planning Commission to approve the Rezoning from Low Density Residential District to Medium Density Residential District to allow a multi-family residence on the property.

Discussion followed concerning population densities and the minimum area regulations required for a multi-family residence in the Medium Density Residential Zoning District.

Schmidt advised that he planned to abstain from voting on Items 24 and 25.

Nash moved, seconded by Prairie Chicken and carried to recommend that the Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Area Future Land Use Plan to change the future land use designation on a 0.13 acre parcel from Low Density Residential to Medium Density Residential and that the Rezoning from Low Density Residential District to Medium Density Residential District be denied. (8 to 0 with 1 abstaining - Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Stone and Wevik voting yes, none voting no and Schmidt abstaining)

Tucker requested that Items 26 and 27 be considered concurrently.

26. No. 04CA002 - Mediterranean Subdivision

A request by Stanley & Durr LLC dba Fjords Ice Cream Factory to consider an application for a **Amendment to the Comprehensive Plan to change the future land use designation on a 0.932 acre parcel of land from Residential to Neighborhood Commercial** on Lots 1 and 2, Mediterranean Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1805 and 1815 38th Street.

27. No. 04RZ002 - Mediterranean Subdivision

A request by Stanley & Durr LLC dba Fjords Ice Cream Factory to consider an application for a **Rezoning from Medium Density Residential District to Neighborhood Commercial District** on Lots 1 and 2, Mediterranean Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1805 and 1815 38th Street.

Tucker presented the requests and reviewed the slides of subject property and staff's recommendation. He also distributed a packet of letters of support that the applicant presented at the City Council meeting on February 16, 2004.

Bridget Stanley, applicant, stated that in her opinion the adjoining property owners support her rezoning request from Medium Density Residential District to Neighborhood Commercial District to allow the construction of an ice cream parlor and factory. She stated that the neighbors have also indicated to her that they are opposed to having additional apartment complexes constructed in the neighborhood. She stated that in her opinion her request would not have a negative impact on the surrounding land uses and would actually promote a neighborhood community.

Kooiker stated that Stanley adequately presented her rezoning request to City Council on February 16, 2004 and added that there was considerable discussion on this issue. He stated that he supports the rezoning request to Neighborhood Commercial District.

Schmidt moved and seconded by Henning to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on a 0.932 acre parcel of land from Residential to Neighborhood Commercial and the Rezoning from Medium Density Residential District to Neighborhood Commercial District be denied.

Lengthy discussion followed concerning the Amendment to the Comprehensive Plan, the public comments received during previous West Rapid Neighborhood public meetings, the West Rapid Neighborhood Area Future Land Use Plan, spot zoning, the range of uses allowed in a Neighborhood Commercial Zoning District and uses that are appropriate for the subject property now and in the future.

In response to a question by Wevik, Tucker stated that property owners within 250 feet, inclusive of dedicated ways, were sent an official notice of the hearing. He added that staff has not received any calls or letters opposed to the rezoning request.

Discussion followed.

Schmidt called the question. The vote on calling the question failed.(4 to 5 with Fast Wolf, Henning, Prairie Chicken and Schmidt voting yes and Brown, Hoffmann, Nash, Stone and Wevik voting no)

Lengthy discussion followed concerning the applicant submitting a Planned Development Designation or Planned Commercial Development for the subject property and the notification process.

Fast Wolf left the meeting.

Wevik made a substitute motion, seconded by Brown and carried to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on a 0.932 acre parcel of land from Residential to Neighborhood Commercial and the Rezoning from Medium Density Residential

District to Neighborhood Commercial District and the Rezoning from Medium Density Residential District to Neighborhood Commercial District be continued to the March 25, 2004 Planning Commission to allow the applicant time to submit a Planned Development Designation or a Planned Commercial Development. (7 to 1 with Brown, Henning, Hoffmann, Nash, Prairie Chicken, Stone and Wevik voting yes and Schmidt voting no)

*28. No. 04PD003 - CHMH Subdivision

A request by Bill Freytag for Cedarhill Corporation to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on a tract of land located in the SW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with survey cap LS 6119 marking the southwest corner of Lot 1 of Block 8 of CHMH Subdivision in the SW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence N00°11'30"E a distance of 108.02 feet, more or less, to a point; Thence N02°02'16"E a distance of 52.03 feet, more or less, to a point; Thence N00°26'04"E a distance of 108.00 feet, more or less, to a point; Thence N10°18'59"W a distance of 26.80 feet, more or less, to a point; Thence N00°26'14"E a distance of 297.34 feet, more or less, to a point; Thence N18°03'19"E a distance of 54.62 feet, more or less, to a point; Thence N00°14'28"E a distance of 122.00 feet, more or less, to a point; Thence N89°45'32"W a distance of 290.00 feet, more or less, to a point; Thence S00°14'28"W a distance of 122.00 feet, more or less, to a point; Thence S00°02'18"E a distance of 52.00 feet, more or less, to a point, Thence S00°14'28"W a distance of 106.00 feet, more or less to a point, Thence N89°45'32"W a distance of 74.32 feet, more or less, to a point, Thence S00°14'28"W a distance of 123.16 feet, more or less, to a point, Thence S28°09'56"E a distance of 107.76 feet, more or less, to a point, Thence S00°26'04"W a distance of 107.81 feet, more or less, to a point, Thence northwesterly on a curve to the right with a radius of 154.00 feet and an arc length of 30.28 feet, with a chord bearing N81°19'07"W and a distance of 30.23 feet, more or less, to a point; Thence S14°18'53"W a distance of 169.84 feet, more or less, to a point; Thence S89°48'15"E a distance of 37.68 feet, more or less, to a point; Thence S89°48'48"E a distance of 331.99 feet, more or less, to the point of beginning; said area includes 5.522 acres, more or less, more generally described as being located west of Haines Avenue and north of Mall Drive.

Elkins stated that staff is recommending that the public hearing on the Planned Residential Development - Initial and Final Development Plan be continued to the March 25, 2004 Planning Commission meeting to allow the applicant time to submit additional information.

Bill Freytag, Cedarhill Corporation, expressed his opposition to continuing the public hearing on the Planned Residential Development - Initial and Final Development Plan. He stated that he was unaware that staff needed any additional information.

In response to a question by Freytag, Elkins explained that the information submitted by the applicant does not meet the standards required for Planned Developments. She added that staff is requesting that the applicant submit a complete site plan reflecting the buildings and their locations, the reduced setbacks and identify how those setbacks would relate between the building structures within the Planned

Development.

Discussion followed.

Stone left the meeting.

Henning moved to continue the public hearing on the Planned Residential Development - Initial and Final Development Plan to the March 25, 2004 Planning Commission. The motion died for lack of a second.

Discussion followed concerning miscommunication between the applicant and staff, the applicant's ability to provide additional information requested by staff today and construction time delays.

Freytag stated that he opposed a continuance and asked the Planning Commission to provide a recommendation to the City Council today.

In response to a question by Nash, Elkins explained that Planning Commission's decision is final on Planned Residential Developments unless appealed to City Council.

Wevik moved, seconded by Brown and carried to continue the public hearing on the Planned Residential Development - Initial and Final Development Plan to the March 4, 2004 Planning Commission meeting to allow the applicant time to submit additional required information. (5 to 2 with Brown, Henning, Hoffmann, Prairie Chicken and Wevik voting yes and Nash and Schmidt voting no)

*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.

Tucker explained that staff is recommending that the public hearing on the Conditional Use Permit to allow a Mobile Home Park in the Medium Density Residential District be continued to the March 4, 2004 Planning Commission meeting to allow the applicant time to submit additional required information.

Nash moved, seconded by Schmidt and unanimously carried to continue the public hearing on the Conditional Use Permit to allow a Mobile Home Park in the Medium Density Residential District to the March 4, 2004 Planning Commission meeting to allow the applicant time to submit additional required information. (7 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

30. Discussion Items

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

A brief discussion followed.

Wevik moved, seconded by Brown and unanimously carried to table the discussion of Multi-family Dwelling Units in Medium Density Residential Zoning Districts. (7 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

Schmidt left the meeting.

31. Staff Items

None

32. Planning Commission Items

A. Planning Commission Training Session Topics

Wevik suggested that a future Planning Commission training topic be the communication process between staff and applicants. He also expressed interest in learning more about the Council liaison's role and duties to the Planning Commission.

Prairie Chicken and Nash concurred with Wevik.

Discussion followed concerning the public hearing process.

In response to a question by Nash, Green agreed that a training session would be a good idea to discuss how formal the Planning Commission meetings should be.

There being no further business Nash moved seconded by Prairie Chicken and unanimously carried to adjourn the meeting at 9:10 a.m. (6 to 0 with Brown, Henning, Hoffmann, Nash, Prairie Chicken and Wevik voting yes and none voting no)