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MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
March 4, 2004

MEMBERS PRESENT: Sam Brannan, Gary Brown, Fast Wolf, Kathryn Henning, Jeff Hoffmann, Scott Nash, Mel Prairie Chicken, Ethan Schmidt and Stuart Wevik.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Todd Tucker, Dan Ladenburger, 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.

Brown moved, seconded by Brannan and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 6 in accordance with the staff recommendations. (9 to 0 with Brannan, Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the February 19, 2004 Planning Commission Meeting Minutes.

2. No. 02PL093 - Murphy Ranch Estates

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

**Planning Commission recommended that the Preliminary and Final Plat be approved for proposed Lot 1 of Block 1, Lot 1 of Block 2, Lots 1 thru 9 of Block 3, Lots 1 thru 8 of Block 4, Lot 1 of Block 10 and Lot 1 of Block 11, Murphy Ranch Estates Subdivision with the following stipulations:**

1. **Prior to City Council approval of the Preliminary Plat, revisions to the water plans shall be submitted for review and approval. In particular, the water plans shall be revised to show the extension of the water main along Longview Road to the east lot line of Phase One;**
2. **Prior to City Council approval of the Preliminary Plat, a grading plan and details for temporary sedimentation ponds shall be submitted for review and approval. Any development beyond Phase One shall require construction of the detention facilities;**
3. **Prior to City Council approval of the Preliminary Plat, a private utility**

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- plan shall be submitted for review and approval;
  4. 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;
  5. Prior to City Council approval of the Preliminary Plat, a subdivision estimate form shall be submitted for review and approval;
  6. Prior to City Council approval of the Final Plat, the applicant shall provide legal documentation identifying street maintenance for all street(s) located within the proposed development;
  7. Prior to City Council approval of the Final Plat, the plat title must be revised to read "Formerly a portion of Tract F of the NW1/4 less Murphy's' Subdivision and Right of Way, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota"; and,
  8. Prior to City Council approval of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
3. No. 04PL005 - Trailwood Village  
A request by Sperlich Consulting, Inc. for Gordon Howie to consider an application for a **Layout and Preliminary Plat** on Lot B of Block 16, Trailwood Village, located in the SE1/4 of the SW1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as formerly a portion of Tract T of Trailwood Village located in the SE1/4 of SW1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located northeast of the intersection of E. Highway 44 and Covington Street.  
  
**Planning Commission recommended that the Layout and Preliminary Plat be approved with the following stipulations:**
  1. Prior to Preliminary Plat approval by the City Council, construction plans providing curb, gutter, sidewalk and water along S. D. Highway 44 shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
  2. Prior to Preliminary Plat approval by the City Council, additional drainage information shall be submitted for review and approval. In addition, the plat document shall be revised to provide additional drainage easements as needed;
  3. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
  4. A Special Exception is hereby granted to allow an approach on Covington Street in lieu of the lesser order street as per the Street Design Criteria Manual. In addition, the approach shall align with Avery Drive;
  5. Prior to Final Plat approval by the City Council, the plat title shall be revised to read "R8E" in lieu of "R7E"; and,
  6. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
4. No. 04SR002 - Robbinsdale Park Addition

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A request by GBA Construction for Gandolf Group to consider an application for an **11-6-19 SDCL Review to allow the placement of topsoil and other dredged westland materials and then reseeding or placement of wetland plants** in Robbinsdale Park less Lot 1 of Robbinsdale Park Addition, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the east side of Robbinsdale Park.

**Planning Commission recommended that the 11-6-19 SDCL Review to allow the establishment of wetlands on public property by the placement of topsoil and other dredged wetland materials and then reseeding or placement of wetland plants be approved.**

5. No. 04SR003 - Neff's Subdivision #3

A request by Ross Johnson for West River Electric Association to consider an application for an **11-6-19 SDCL Review to allow a substation control house to be enlarged** on Lot 1 of Neff's Subdivision #3, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 400 Elk Vale Road.

**Planning Commission recommended that the 11-6-19 SDCL Review to allow a substation control house to be enlarged be approved with the following stipulations:**

1. **Prior to initiation of construction, a building permit must be obtained, and a Certificate of Occupancy must be obtained prior to occupancy of the building; and,**
2. **Prior to issuance of a Certificate of Occupancy, each structure on the property must be either addressed or lettered to plainly identify each separate structure.**

6. No. 04SR004 - 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 expansion of an existing batting cage** on Tract 8 of Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1610 32nd Street.

**Planning Commission recommended that the 11-6-19 SDCL Review to allow expansion of an existing batting cage be approved.**

**END OF NON-HEARING CONSENT CALENDAR**

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

Hoffmann announced that the Public Hearings on Items 7 through 22 were hereby opened.

Staff requested that Item 22 be removed from the Hearing Consent Agenda for separate consideration. Nash requested that Items 8 thru 11 and 16 be removed from the Hearing Consent Agenda for separate consideration.

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**Wevik moved, seconded by Brannan and unanimously carried to recommend approval of the Hearing Consent Agenda Items 7 through 22 in accordance with the staff recommendations with the exception of Items 8, 9, 10, 11, 16 and 22. (9 to 0 with Brannan, Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)**

**The Public Hearings on Items 7 through 22 were hereby closed with the exception of Items 8, 9, 10, 11, 16 and 22.**

7. No. 03CA044 - Bradsky Subdivision

**Comprehensive Plan Amendment - Summary of Adoption Action** to change the future land use designation on a 1.240 acre parcel of land from Light Industrial to Office Commercial with a Planned Commercial Development on Lots 1 thru 5, Block 11, Bradsky Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1205 E. St. James Street.

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

\*12. 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 approved the Planned Commercial Development - Initial and Final Development Plan be approved with the following stipulations:**

1. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
2. **Prior to issuance of a building permit, the applicant shall sign a developmental lot agreement;**
3. **Prior to issuance of a building permit, revisions to the drainage plan and erosion control plan shall be submitted for review and approval;**
4. **Prior to issuance of a building permit, revisions to the water and sewer plans shall be submitted for review and approval;**
5. **Prior to issuance of a building permit, the utility and drainage easement located along the common lot line of the two lots shall be vacated or a Major Amendment to the Planned Commercial Development shall be submitted for review and approval relocating the commercial structure outside of the easement;**
6. **An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre.**
7. **The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;**

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8. The proposed commercial structure shall be used as a restaurant, retail sales, professional and business offices and/or storage as shown on the applicant's site plan. Any other use shall require a Major Amendment to the Planned Commercial Development. In particular, a Major Amendment to the Planned Commercial Development shall be required in order to allow on-sale liquor on the subject property;
9. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development;
10. A minimum of 76,023 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
11. A minimum of 36 parking spaces shall be provided with two handicap accessible spaces. One of the handicap spaces shall be "van" accessible. In addition, seven stacking lanes shall be provided for the restaurant's drive through window and three stacking lanes shall be provided for the coffee shack's drive through window. All provisions of the Off-Street Parking Ordinance shall be continually met;
12. A six foot high wood privacy fence shall be constructed in compliance with the location and design plans submitted as a part of the Planned Commercial Development;
13. All Uniform Fire Codes shall be met; and,
14. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years.

*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. 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 25, 2004 Planning Commission meeting to allow the applicant to submit additional information.**

14. No. 04PL006 - Hills View Subdivision #2

A request by Dan Haggerty for Haggerty's Inc. to consider an application for a **Layout Plat** on Lot 1 of Hillsvew Subdivision #2 located in the SW1/4 SW1/4 Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more

generally described as being located at 1829 Hillsview Drive.

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

**Engineering Division Recommendations:**

1. Upon submittal of a Preliminary Plat, road construction plans providing for a sidewalk along both sides of Red Dale Drive and West Patrick Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
  2. Upon submittal of a Preliminary Plat, a note shall be placed on the plat document providing a minimum six foot exterior maintenance easement on either side of all common lot lines;
  3. Upon submittal of a Preliminary Plat, the plat document shall be revised to show the adjacent rights-of-way widths;
  4. Upon submittal of a Preliminary Plat, a site plan shall be submitted showing existing approaches located along Red Dale Drive and West St. Patrick Street. In addition, the plat document shall be revised to show non-access easements along Red Dale Drive and West St. Patrick Street and to show shared approaches where necessary as per the Street Design Criteria Manual;
  5. Upon submittal of a Preliminary Plat, a grading plan shall be submitted for review and approval;
  6. Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall comply with the Red Dale Drainage Basin Design Plan. In addition, the plat document shall be revised to show drainage easements as necessary;
  7. Upon submittal of a Preliminary Plat, a Master Utility Plan shall be submitted for review and approval. In particular, the Master Utility Plan shall identify the extension of water and sewer as well as private utilities (i.e., electricity, gas, telephone);
  8. Upon submittal of a Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval;
  9. Prior to Preliminary Plat approval by the City Council, the water and sewer lines located across the subject property shall be relocated and the utility easements shall be vacated or the plat document shall be revised eliminating the proposed townhome lots in this area or increasing the size of the lot(s) to provide building envelopes that do not interfere with the utilities;
  10. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
15. No. 04SV005 - Hills View Subdivision #2  
A request by Dan Haggerty for Haggerty's Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to construct sidewalk on both sides of the street as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Hillsview Subdivision #2 located in the SW1/4 SW1/4 Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1829 Hillsview Drive.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to construct sidewalk on both sides of the street as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:**

- 1. That a sidewalk continue to be provided along the east side of Red Dale Drive and the north side of West St. Patrick Street.**

17. No. 04SV006 - Buffalo Corral Subdivision

A request by Davis Engineering, Inc. for Stath Mantzeoros to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot A of Lot 2 and Lot B of Lot 2 of Buffalo Corral Subdivision located in the NE1/4 of the SE1/4, Section 28, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot 2 of Buffalo Corral Subdivision located in the NE1/4 of the SE1/4, Section 28, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located located at the southeast end of Rapid City Regional Airport runway.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:**

- 1. Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements; and,**
- 2. Prior to Preliminary Plat approval, the plat document shall be revised to show the dedication of an additional 17 feet of right-of-way along the section line highway and the dedication of a 76 foot wide right-of-way for the east-west collector street.**

18. No. 04PL008 - Winton Subdivision

A request by D.C. Scott Co. Land Surveyors for Prairiefire Investments, LLC to consider an application for a **Preliminary Plat** on Lot 6 of Block 2 of Winton Subdivision, and dedicated Miscanthus Street right-of-way; located in the SE1/4 NE1/4 of Section 26, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the SE1/4 NE1/4 less Eisenbraun Subdivision, less Winton Subdivision and less right-of-way; the east 54.4 feet of the SW1/4 NE1/4 in Section 26, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located the west side of Anderson Road and south of Southside Drive.

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

- 1. Prior to Preliminary Plat approval by the City Council, road construction plans for Anderson Road shall be submitted for review and approval. In particular, the construction plans shall show Anderson Road located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**

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2. Prior to Preliminary Plat approval by the City Council, road construction plans for Miscanthus Street shall be submitted for review and approval. In particular, the road construction plans shall show Miscanthus Street located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
  3. Prior to Preliminary Plat approval by the City Council, percolation information prepared by a Professional Engineer shall be submitted for review and approval. In addition, the report shall identify the depth to seasonal high ground water and general suitability of the site for the proposed on-site wastewater system
  4. Prior to Preliminary Plat approval by the City Council, the water source shall be identified. If a shared well is proposed than it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed;
  5. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
  6. Prior to submittal of the Final Plat, a different street name for Miscanthus Street shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved street name;
  7. Prior to submittal of the Final Plat, an approach permit must be obtained from the Pennington County Highway Department for the proposed driveway off Miscanthus Street;
  8. Upon submittal of the Final Plat, the plat document shall be revised eliminating the "Certificate of Planning Director";
  9. Upon submittal of the Final Plat, a note shall be placed on the plat document stating that "An alternate drainfield area shall be identified upon submittal of a building permit"; and,
  10. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
19. No. 04SV007 - Winton Subdivision  
A request by D.C. Scott Co. Land Surveyors for Prairiefire Investments, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install street light conduit, water, sewer, pavement and to allow platting half a right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 6 of Block 2 of Winton Subdivision, and dedicated Miscanthus Street right-of-way; located in the SE1/4 NE1/4 of Section 26, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the SE1/4 NE1/4 less Eisenbraun Subdivision, less Winton Subdivision and less right-of-way; the east 54.4 feet of the SW1/4 NE1/4 in Section 26, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located along the west side of Anderson Road and south of Southside Drive.

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**Planning Commission recommended that the Variance to the Subdivision Regulations to allow platting half of a right-of-way for Anderson Road be approved and that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:**

- 1. Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements; and,**
- 2. The street improvements shall be completed as a part of any future platting of the 27.761 acre non-transferable balance.**

**20. No. 04SV003 - Red Rock Estates**

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, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** in the NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Bethpage Drive.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be denied and that a Special Exception be granted to waive the requirement to provide a turnaround at the end of Bethpage Drive.**

**\*21. 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.

**Planning Commission approved the Review of a Conditional Use Permit to allow a Mobile Home Park in the Medium Density Residential District with the following stipulations:**

**Fire Department Recommendations:**

- 1. Addresses shall continue to be posted at the entrance to each row of mobile homes and on each mobile home space as required by Chapter 15.48.180 of the Municipal Code;**

**Williston Basin Gas Interstate Pipeline Company Recommendations:**

- 2. Encroachments within the pipeline easement shall be limited to the four existing sheds currently located within the easement;**
- 3. Modifications, changes, and/or enlargements to the four sheds shall not be allowed;**
- 4. If any of the shed(s) are removed, replacement within the easement shall not be allowed;**

**South Dakota Department of Environment and Natural Resources**

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**Recommendation:**

5. The on-site lagoons shall continually be properly operated and maintained. In addition, a minimum three feet of freeboard shall be maintained and any discharge from the ponds to surface waters of the State or nearby property(s) shall be prevented;

**Ellsworth Air Force Base Recommendations:**

6. Any future excavation on the waterline easement shall be coordinated with Ellsworth Air Force Base prior to implementation;

**Urban Planning Division Recommendations:**

7. A maximum of 138 mobile homes and a manager's office shall be allowed within the mobile home park;
8. Upon replacement of a mobile home or expansion(s) and/or addition(s) onto an existing mobile home, a minimum 20 feet separation between mobile homes shall be provided;
9. Upon replacement of a mobile home or expansion(s) and/or addition(s) onto an existing mobile home, a paved patio of at least two hundred square feet and a storage locker of at least one hundred cubic feet shall be provided for that lot;
10. Prior to any expansion of the mobile home park resulting in any additional units being accessed from the interior roadway, a second access road shall be provided;
11. Prior to any expansion of the mobile home park, the northern portion of the eastern interior access road and the interior driveway to the manager's office shall be paved;
12. The Conditional Use Permit shall be reviewed three years from the date of approval to insure compliance with the stipulations of approval, and;
13. The Conditional Use Permit shall expire if the use for which it was granted has ceased for a period of two years or more. In addition, any other use of the property other than a mobile home park shall require a Major Amendment to the Conditional Use Permit.

***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.***

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

Nash requested that Items 8 thru 10 be considered concurrently.

8. No. 03CA040 - Springbrook Acres  
A request by Centerline for Ken Kirkeby and Larry Lewis to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 14.92 acre parcel of land from Park Forest to Low Density Residential II** on Parcel A of Tract SB of Springbrook Acres, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Sandstone Ridge Apartments and east of Holiday Estates.
- \*9. No. 04PD006 - Springbrook Acres Addition

A request by Centerline for Ken Kirkeby and Larry Lewis to consider an application for a **Planned Residential Development - Initial Development Plan** on Parcel A of Tract SB of Springbrook Acres Addition, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Sandstone Ridge Apartments and east of Holiday Estates.

10. No. 03RZ047 - Springbrook Acres

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

In response to a question by Nash, Fisher explained that the reference to an Initial Planned Commercial Development in her staff report is a typing error and should be an Initial Planned Residential Development.

**Nash moved, seconded by Brown and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on a 14.92 acre parcel of land from Park Forest to Low Density Residential II with a Planned Residential Development be approved in conjunction with a Rezoning request to change the zoning designation from Park Forest to Low Density Residential II and an Initial Planned Residential Development; that the Rezoning from Park Forest District to Low Density Residential II District be approved in conjunction with the Comprehensive Plan Amendment to the Long Range Comprehensive Plan and an Initial Planned Residential Development; and, that the Planned Residential Development – Initial Development Plan be approved with the following stipulations:**

1. **A Final Plat shall be reviewed and approved to create individual townhome lots prior to or in conjunction with approval of a Final Planned Residential Development;**
2. **The property shall be rezoned from Park Forest to Low Density Residential District II and the Comprehensive Plan Amendment to the Long Range comprehensive Plan from Park Forest to Low Density Residential II with a Planned Residential Development prior to or in conjunction with approval of a Final Planned Residential Development;**
3. **Upon Final Planned Residential Development submittal, a water and sewer plan prepared by a Professional Engineer shall be submitted for review and approval;**
4. **Upon Final Planned Residential Development submittal, a grading plan and geotechnical information shall be submitted for review and approval;**
5. **Upon Final Planned Residential Development submittal, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that the existing detention pond and channel are adequate to handle run-off from the proposed development;**
6. **Upon Final Planned Residential Development submittal, the applicant shall demonstrate that a minimum water supply of 600 gpm is being provided at each residence. In addition, the interior streets shall not exceed 12% grade and the driveways shall not exceed 16% grade. Any**

private driveway in excess of 150 feet in length shall provide an emergency turnaround area to accommodate Fire Department apparatus as required by the Uniform Fire Code. In addition, all of the residences shall be sprinklered and the highest floor elevation shall not exceed 3,680 feet;

7. Upon Final Planned Residential Development submittal, road construction plans showing the first 320 feet of Holiday Lane located on the subject property and the proposed street extending to the north lot line as a sub-collector street. In particular, the two streets shall be located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, road construction plans showing the balance of Holiday Lane as a lane place street shall be submitted for review and approval. In particular, the street shall be located within a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer.
8. Upon Final Planned Residential Development submittal, the site plan shall be revised showing no more than 30 % of the townhomes as multi-family units with more than three connected units for a total of six units or the property shall be rezoned to Medium Density Residential District;
9. Upon Final Planned Residential Development submittal, a sign package, a lighting package and a landscaping plan shall be submitted for review and approval;
10. Upon Final Planned Residential Development submittal, elevations for the proposed townhomes shall be submitted for review and approval. In addition, a list of building materials for all structural development shall be submitted for review and approval;
11. Prior to Final Planned Residential Development approval, a fire mitigation plan shall be designed and implemented;
12. A Special Exception is hereby granted to allow a cul-de-sac length of 1,250 feet with no intermediate turnarounds every 600 feet in lieu of a maximum cul-de-sac length of 500 feet;
13. A building permit shall be obtained prior to any construction;
14. Prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;
15. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre; and,
16. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence. All other provisions of the Low Density Residential II District shall be met unless otherwise specifically authorized as a stipulation of this Initial Planned Residential Development or the Final Planned Residential Development of a subsequent Major Amendment. (9 to 0 with Brannan, Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

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***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.***

11. 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.

Discussion followed concerning the posting of a sign on the site noting the fact that an 11-6-19 SDCL Review is pending.

**Nash moved, seconded by Prairie Chicken and unanimously carried to recommend that the Ordinance Amendment adding Section 2.60.195 to the Rapid City Municipal Code pertaining to hearing notices for SDCL 11-6-19 Reviews be approved with the additional language of posting a sign on the property notifying the public of the 11-6-19 SDCL Review. (9 to 0 with Brannan, Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)**

16. No. 04PL007 - Buffalo Corral Subdivision

A request by Davis Engineering, Inc. for Stath Mantzeoros to consider an application for a **Preliminary Plat** on Lot A of Lot 2 and Lot B of Lot 2 of Buffalo Corral Subdivision located in the NE1/4 of the SE1/4, Section 28, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot 2 of Buffalo Corral Subdivision located in the NE1/4 of the SE1/4, Section 28, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at the southeast end of Rapid City Regional Airport runway.

Nash expressed concerns with structures being placed at the ends of the airport runway.

In response to a question by Nash, Elkins explained that Pennington County has adopted height regulations for areas surrounding the airport.

**Nash moved, seconded by Wevik and unanimously carried to recommend that the Preliminary Plat be approved with the following stipulations:**

- 1. Prior to Preliminary Plat approval by the City Council, construction plans for Lonetree Road shall be submitted for review and approval. In particular, the construction plans shall identify a minimum 24 foot wide paved surface with curb, gutter, street light conduit, water sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, construction plans for the section line highway shall be submitted for review and approval. In particular, the construction plans shall show the section line highway as a minor arterial street with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat**

- document shall be revised dedicating 17 additional feet of right-of-way along the section line highway;
3. Prior to Preliminary Plat approval by the City Council, construction plans for an east-west collector street through the southern half of Lot B of Lot 2 as per the City Major Street Plan shall be submitted for review and approval. In particular, the construction plans shall show the collector street located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
  4. Prior to Preliminary Plat approval by the City Council, percolation information prepared by a Professional Engineer shall be submitted for review and approval. In addition, the report shall identify the depth to seasonal high ground water and general suitability of the site for the proposed on-site wastewater system;
  5. Prior to Preliminary Plat approval by the City Council, the water source shall be identified. If a shared well is proposed than it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed;
  6. Prior to Preliminary Plat approval by the City Council, a complete site plan shall be submitted for review and approval. In particular, the site plan shall show the location of the existing water source and identify the setbacks from the proposed common lot line and the additional dedicated right-of-way to the existing structures;
  7. Prior to Preliminary Plat approval by the City Council, topographic information along the drainage area located in the western portion of the subject property shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;
  8. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
  9. A Special Exception is hereby granted to allow a 1,350 foot long cul-de-sac with no intermediate turnarounds in lieu of a maximum 1,200 foot long cul-de-sac with intermediate turnarounds every 600 feet as per the Street Design Criteria Manual;
  10. Upon submittal of the Final Plat, the plat document shall be revised eliminating the note "Building Restrictions: Per Zoning Requirements". In addition, a note shall be placed on the plat document stating that "An alternate drainfield area shall be identified upon submittal of a building permit"; and,
  11. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (9 to 0 with Brannan, Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)

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A request by TSP Three, Inc. for Atonement Lutheran Church to consider an application for a **Conditional Use Permit to allow a church in Medium Density Residential District** on Lot 5 of Madison's Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4711 Haines Avenue.

Tucker stated that staff is recommending that the Conditional Use Permit to allow a church in Medium Density Residential District be continued to the March 25, 2004 Planning Commission meeting to allow the applicant time to submit additional information.

In response to a question by Hoffmann, Tucker advised that the applicant needs to submit a drainage, grading and erosion control plan and a detailed floor plan to determine if sufficient parking can be provided.

In response to a question by Nash, Tim Cheever, TSP Three, Inc., advised that he was not aware that staff was going to recommend that the request be continued. He added that the applicant does not object to the continuance and would be able to provide the requested information prior to the March 25, 2004 Planning Commission meeting.

**Wevik moved, seconded by Brown and carried to continue the public hearing on the Conditional Use Permit to allow a church in Medium Density Residential District to the March 25, 2004 Planning Commission meeting to allow the applicant time to submit additional information. (9 to 0 with Brannan, Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)**

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

**\*23. 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.

Fisher presented the request and reviewed the slides of the subject property and staff's recommendation. Fisher pointed out that a revised staff report listing five stipulations had been placed on the dais for Planning Commission review.

Discussion followed concerning removal of stipulation #4 concerning the proposed structure conforming architecturally to the plans and elevations submitted.

**Nash moved, seconded by Henning and unanimously carried to approve the Planned Residential Development - Initial and Final Development Plan with the following stipulations:**

1. **A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence. In addition, a minimum 25 foot rear yard setback shall be provided on Lots 7, 8 and 9 of Block 4. A minimum 15 foot rear yard setback shall be provided on the remaining lots;**
2. **Upon submittal of a Building Permit, a landscape plan identifying the landscaping to be provided on lots 2A thru 5 of Block 8 and Lot 2 of Block 9 shall be submitted;**
3. **All Uniform Fire Codes shall be continually met; and,**
4. **The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (9 to 0 with Brannan, Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)**

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

Fisher requested that Items 24 thru 26 be considered concurrently.

24. 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 U.S. Highway 16 and Moon Meadows Road.

25. No. 04CA003 - Pioneer Subdivision

A request by Sperlich Consulting, Inc. for 16 Plus, LLP to consider an application for an **Amendment to the Comprehensive Plan to change the Major Street Plan by relocating a Collector Street** on a portion of Tract 2 of Pioneer Subdivision, and a portion of the W1/2 of the NE1/4 of Section 34, located in the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; More fully described as follows: Commencing at northwesterly corner of said Tract 2 of Pioneer Subdivision, common to a point on the southerly boundary of Lot 5 of Godfrey Addition, and the Point of Beginning; Thence, first course: N89°52'3"E, along the Section Line common to Sections 27 and 34, common with the northerly boundary of said Tract 2 of Pioneer Subdivision, and common with the southerly boundary of Lot 5 of Godfrey Addition, a distance of 48.99 feet; Thence, second course: southwesterly, curving to the left on a curve with a radius of 960.00 feet, a delta angle of 18°22'16", an arc length of 307.81 feet, a chord bearing of S09°23'33"W, and a chord distance of 306.49 feet, to a point of tangency; Thence, third course: S00°12'25"W, a distance of 108.82 feet; Thence, fourth course: S89°53'10"W, a distance of 80.00 feet; Thence, fifth course: N00°12'25"E, a distance of 109.26 feet; Thence, sixth course: northeasterly, curving to the right on a curve with a radius of 1040.00 feet, a delta angle of 16°53'09", an arc length of 306.50 feet, a chord bearing of N08°38'59"E, and a chord distance of 305.39 feet, to a point on the Section Line common to Sections 27 and 34, common with the southerly boundary of Lot 5 of Godfrey Addition; Thence, seventh course: N89°52'53"E, along the Section Line common to Sections 27 and 34, common with the southerly boundary of Lot 5 of Godfrey Addition, a distance of 35.10 feet to the northwesterly corner of said Tract 2 of Pioneer Subdivision, common to a point on the southerly boundary of Lot 5 of Godfrey Addition, and the Point of Beginning; said parcel 0.764 acres more or less, more generally described as being located northwest of U.S. Highway 16 and Moon Meadows Road.

26. No. 04SV004 - Pioneer Subdivision

A request by Sperlich Consulting, Inc. for 16 Plus, LLP to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer, pavement and to dedicate right-of-way along a collector street and to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code** on a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line between to Sections 27 and 34, common to the northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; Thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; Thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; Thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of

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1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; Thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Sections 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; Thence, fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between to Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; Thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between to Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; Thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between to Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 12.000 acres more or less; and, a portion of Tract 2 of Pioneer Subdivision, and a portion of the W1/2 of the NE1/4 of Section 34, located in the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; More fully described as follows: Commencing at northwesterly corner of said Tract 2 of Pioneer Subdivision, common to a point on the southerly boundary of Lot 5 of Godfrey Addition, and the Point of Beginning; Thence, first course: N89°52'3"E, along the Section Line common to Sections 27 and 34, common with the northerly boundary of said Tract 2 of Pioneer Subdivision, and common with the southerly boundary of Lot 5 of Godfrey Addition, a distance of 48.99 feet; Thence, second course: southwesterly, curving to the left on a curve with a radius of 960.00 feet, a delta angle of 18°22'16", an arc length of 307.81 feet, a chord bearing of S09°23'33"W, and a chord distance of 306.49 feet, to a point of tangency; Thence, third course: S00°12'25"W, a distance of 108.82 feet; Thence, fourth course: S89°53'10"W, a distance of 80.00 feet; Thence, fifth course: N00°12'25"E, a distance of 109.26 feet; Thence, sixth course: northeasterly, curving to the right on a curve with a radius of 1040.00 feet, a delta angle of 16°53'09", an arc length of 306.50 feet, a chord bearing of N08°38'59"E, and a chord distance of 305.39 feet, to a point on the Section Line common to Sections 27 and 34, common with the southerly boundary of Lot 5 of Godfrey Addition; Thence, seventh course: N89°52'53"E, along the Section Line common to Sections 27 and 34, common with the southerly boundary of Lot 5 of Godfrey Addition, a distance of 35.10 feet to the northwesterly corner of said Tract 2 of Pioneer Subdivision, common to a point on the southerly boundary of Lot 5 of Godfrey Addition, and the Point of Beginning; said parcel 0.764 acres more or less, more generally described as being located northwest of U.S. Highway 16 and Moon Meadows Road.

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

Doug Sperlich, Sperlich Engineering Company for 16 Plus LLP, stated that the applicant concurs with staff's recommendations on the Preliminary and Final Plat and the Amendment to the Comprehensive Plan to change the Major Street Plan by relocating a collector street and asked the Planning Commission to approve Items 24 and 25 per staff's recommendations. He further asked the Planning Commission to approve the Variance to the Subdivision Regulations to waive the requirement to

construct curb, gutter, sidewalk, street light conduit, water, sewer, pavement and to dedicate right-of-way along a collector street and to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code with the condition that the applicant sign a waiver of right to protest any future assessment project for the improvements.

Discussion followed.

**Brannan moved, seconded by Brown and unanimously carried to recommend that the Preliminary and Final Plat be approved with the following stipulations:**

- 1. Prior to Preliminary Plat approval by the City Council, road construction plans for the north-south collector road as shown on the City's Major Street Plan shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained and/or a Comprehensive Plan Amendment to the City's Major Street Plan relocating the collector road shall be approved. In addition, the right-of-way for the collector street shall be dedicated or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, road construction plans for U.S. Highway 16 shall be submitted for review and approval. In particular, curb, gutter, sidewalk and street light conduit shall be constructed along U.S. Highway 16 or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Prior to Preliminary Plat approval by the City Council, the section line highway located along the north lot line shall be improved to City Street Design standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated;**
- 4. Prior to Preliminary Plat approval by the City Council, site grading and drainage information shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as needed;**
- 5. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a non-access easement along U.S. Highway 16. In addition, a non-access easement shall be shown along the section line highway except for approved approach location(s);**
- 6. Prior to Final Plat approval by the City Council, all affected utility companies shall submit documentation concurring with the reduction of a ten foot wide utility easement located on the interior sides of all side and rear lot lines to eight feet or the plat document shall be revised retaining the existing ten foot wide utility easement;**
- 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 Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;**

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9. **Prior to Preliminary Plat approval by the City Council, an approach permit shall be obtained from the South Dakota Department of Transportation;**
10. **Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**

**that the Amendment to the Comprehensive Plan to change the Major Street Plan by relocating a Collector Street be approved. (9 to 0 with Brannan, Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)**

Sperlich expressed concerns with the location of the section line highway and the applicant being required to improve the section line highway and the collector street to City Street Design Criteria Standards.

**Schmidt moved to recommend that the Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer, pavement and to dedicate right-of-way along a collector street and to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code be denied. The motion died for lack of a second.**

Lengthy discussion followed concerning establishing assessment districts, future annexation of the property to the north of the subject property, waiver of right to protests, posting bond for improvements, the location of the east-west collector and the north-south collector on the Major Street Plan, the South Dakota Department of Transportation's control of access, future improvements along U.S. Highway 16, the grade of the road and the most desirable location for an east-west street.

**Nash moved and seconded by Henning to recommend approval of the Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer, pavement and to dedicate right-of-way along a collector street and to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code with the condition that the applicant sign a waiver of right to protest any future assessment project for the improvements.**

Lengthy discussion followed concerning establishing precedents and not following the City Street Design Criteria Standards and the Subdivision Regulations.

In response to a question by Schmidt, Sperlich stated that his staff did not prepare information regarding the feasibility of building the road within the section line highway. He added that in his opinion the section line highway is not the right location for an east-west collector road and felt it was premature to prepare information on building this road.

Discussion followed concerning continuing the request to allow the applicant time to re-examine the road section and what the applicant's options are should the request be denied.

**Brown made a substitute motion to recommend that the Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer, pavement and to dedicate right-of-way along a collector street and to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code be continued to the April 8, 2004 Planning Commission to allow the applicant time to submit additional information. The substitute motion was seconded by Schmidt and unanimously carried. (9 to 0 with Brannan, Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)**

26A No. 04SR008 - Section 17, T1N, R9E

A request by the Alliance of Architects and Engineers for the Rapid City Regional Airport to consider an application for an **11-6-19 SDCL Review to allow for expansion of the airport terminal** in the SW1/4 of Section 17, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4550 Terminal Road.

Tucker presented the request and reviewed staff's recommendation.

Discussion followed concerning partial federal funding for the Airport Terminal improvements and the process for 11-6-19 SDCL reviews.

In response to a question by Wevik, Green explained that the City Attorney's Office had been working with State and County representatives regarding the introduction of new legislation concerning 11-6-19 SDCL Reviews but were unable to develop a method for 11-6-19 SDCL Reviews to be presented at this legislative session. He added that the City Attorney's Office planned to continue to working on this issue with legislators for the next legislative session.

**Wevik moved, seconded by Brown and unanimously carried to recommend that the 11-6-19 SDCL Review to allow expansion of the airport terminal be approved with the following stipulations:**

- 1. Prior to initiation of construction, a building permit must be obtained, and a Certificate of Occupancy must be obtained prior to occupancy of the building;**
- 2. All Uniform Fire Codes must be continually met; and,**
- 3. Any additions or alterations to the fire sprinkler or fire alarm system must be approved and permitted by the Fire Department. (9 to 0 with Brannan, Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)**

27. Discussion Items

- A. Street Design Criteria Manual - Fire Department Turnarounds

**Planning Commission continued the discussion on Street Design Criteria Manual – Fire Department Turnarounds to the April 8, 2004 Planning Commission meeting.**

28. Staff Items  
None

29. Planning Commission Items  
A. City Council Meeting (March 1, 2004)

Schmidt commended Elkins and Green for their hard work in presenting Planning Commission's recommendations to the City Council.

Discussion followed concerning Planning Commission's recommendations and the decision to continue Item #23 - No. 04PD003 - Planned Residential Development - Initial and Final Development Plan from the February 19, 2004 Planning Commission meeting to the March 4, 2004 Planning Commission meeting to allow the applicant time to submit additional information.

Elkins thanked Fisher for her diligence in working with the applicant to resolve the outstanding issues on the Planned Residential Development - Initial and Final Development Plan.

**There being no further business Schmidt moved, seconded by Wevik and unanimously carried to adjourn the meeting at 8:10 a.m. (9 to 0 with Brannan, Brown, Fast Wolf, Henning, Hoffmann, Nash, Prairie Chicken, Schmidt and Wevik voting yes and none voting no)**