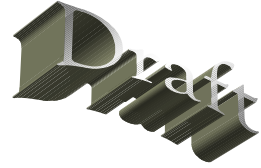


MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 21, 2001



MEMBERS PRESENT: Sam Kooiker, Jeff Hoffmann, Dawn Mashek, Mel Prairie Chicken, Robert Scull, Jeff Stone, Paul Swedlund, Bob Wall, and Stuart Wevik. Ron Kroeger, Council Liaison was also present.

STAFF PRESENT: Marcia Elkins, Blaise Emerson, Vicki Fisher, Lisa Seaman, Bill Knight, Randy Nelson, Dave Johnson, Dave LaFrance and Risë Ficken

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

Wevik 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.

Prairie Chicken requested that Item 3 be removed from the Non-Hearing Consent Agenda for separate consideration.

Stone moved, Wall seconded and carried unanimously to recommend approval of the Non-Hearing Consent Agenda Items 1 through 4 in accordance with the staff recommendations with the exception of Item 3. (7 to 0)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the November 8, 2001 Planning Commission Meeting Minutes.
2. No. 01PL064 - Bies Subdivision
A request by FMG, Inc. for Robbins & Stearns to consider an application for a **Layout, Preliminary and Final Plat** on Lot 1 and Lot 2 of Bies Subdivision formerly the unplatted balance of the SE1/4 of the NE1/4 of Section 18 located in the SE1/4 of the NE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of S. Highway 79, north of Minnesota Street.

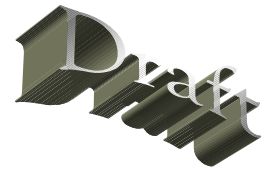
Planning Commission recommended that the Layout, Preliminary and Final Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval, a security bond for the subdivision improvements that have not been completed shall be provided in accordance with Section 16.20.060 of the Rapid City Municipal Code;
2. Prior to City Council approval of the Final Plat, the applicant shall provide a copy of the fully executed Corps of Engineers 404 Permit;

Fire Department Recommendations:

3. Prior to issuance of a Building Permit or on-site construction using combustible material(s), an approved water supply shall be



provided and all fire hydrants shall be installed;

Urban Planning Division Recommendations:

4. Prior to City Council approval, the plat shall be revised to identify the road name of the right of way along the south property line as East Minnesota Street;
5. Prior to City Council approval, the plat shall be revised to include a subdivision name approved by the Register of Deeds; and,
6. Prior to City Council approval, the plat shall be revised to reflect a ten foot wide pedestrian access and utility easement to be provided along the south property line of Lot 2 beginning at the southeast corner of Lot 2 and extending to the extension of the west right-of-way line of Heartland Drive.

4. **No. 01PL115 - Old Rodeo Subdivision**

A request by Doug Sperlich for Orthopedic Building Partnership to consider an application for a **Preliminary and Final Plat** on Lot 3 of Old Rodeo Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located approximately 1/4 mile south of South U.S. Highway 16 and Catron Boulevard.

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

Engineering Division Recommendations:

1. That prior to Preliminary Plat approval by the City Council, the applicant shall provide revisions to the engineering plans including but not limited to the extension of sanitary sewer to the south, revised drainage plans and documentation, and information regarding the water line location;
2. That prior to Final Plat approval by the City Council, a non-access easement shall be identified along Addison Avenue and Physician Drive as identified on the red-line drawings;

Urban Planning Division Recommendations:

3. Prior to Final Plat approval by the City Council, the subdivision improvement estimate shall be provided for review and approval and all the subdivision inspection fees shall be paid;
4. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted; and,

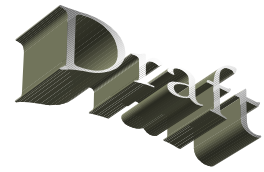
Air Quality Division Recommendations:

5. If more than one acre shall be disturbed by construction, an air quality permit shall be obtained prior to issuance of a grading permit.

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

3. **No. 01PL096 - Robbinsdale Addition No. 8**

A request by Gary Rasmusson to consider an application for a **Final Plat** on Lots 31R through 35R, and Lots 40 through 42, of Block 11, and Lots 1R through 4R, and Lot 26 of Block 13, Robbinsdale Addition No. 8 (formerly Lots 31 through 35,



and Lot 36 Rev. of Block 11, and Lots 1 through 4 of Block 13, of Robbinsdale Addition No. 8) Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Sitka Street and Hemlock Street.

Prairie Chicken noted that staff's recommendation should be corrected to reflect continuation to the January 10, 2002 Planning Commission meeting.

Prairie Chicken moved, Mashek seconded and unanimously carried to recommend that the Final Plat be continued to the January 10, 2002 Planning Commission meeting. (7 to 0)

---HEARING ITEMS CONSENT CALENDAR---

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

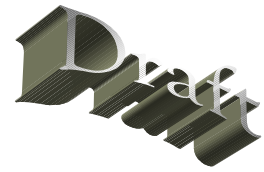
Staff requested that Items 17 and 18 be removed from the Hearing Consent Agenda for separate consideration. Wall requested that Item 12 be removed from the Hearing Consent Agenda for separate consideration. Prairie Chicken requested that Item 22 be removed from the Hearing Consent Agenda for separate consideration.

Wall moved, Scull seconded and carried unanimously to recommend approval of the Hearing Consent Agenda Items 5 through 22 in accordance with the staff recommendations with the exception of Items 12, 17, 18 and 22. (7 to 0)

5. No. 01CA031 - Section 32, T2N, R8E
Summary of Adoption Action - Elk Vale Neighborhood Area Future Land Use Plan to change the future land use designation on a 37.20 acre parcel from General Commercial to Heavy Industrial.

Planning Commission recommended that the Planning Commission approve the summary and authorize publication in the Rapid City Journal.

6. No. 01RZ054 - Skyline Pines East
A request by Wyss Associates for W.E.B. Partners to consider an application for a **Rezoning from Office Commercial District to General Commercial District** on property described by metes and bounds beginning from a point 1795.13 feet at a bearing S89°39'0"E from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 431.35 feet at a bearing N22°2'42"W, Then travel 310.56 feet along a 230' LHF curve with a chord bearing N16°38'12" E, Then travel 161.93 feet at a bearing N55°19'17"E, Then travel 227.59 feet at a bearing S34°35'20"E, Then travel 300.07 feet at a bearing S45°W, Then travel 305.00 feet at a bearing S34°36'5"E, Then travel 165.44 feet at a bearing S45°W, Then travel 26.8 feet at a bearing N89°39'0"W, to the point of start, more generally described as being located west of the western terminus of Fairmont Boulevard and north of Tower Road.



Planning Commission recommended that the Rezoning from Office Commercial District to General Commercial District be continued to the December 6, 2001 Planning Commission meeting.

7. No. 01CA032 - Skyline Pines East

A request by Wyss Associates for W.E.B. Partners to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 3.202 acre parcel from Office Commercial to General Commercial** on property described by metes and bounds beginning from a point 1795.13 feet at a bearing S89°39'0"E from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 431.35 feet at a bearing N22°2'42"W, Then travel 310.56 feet along a 230' LHF curve with a chord bearing N16°38'12" E, Then travel 161.93 feet at a bearing N55°19'17"E, Then travel 227.59 feet at a bearing S34°35'20"E, Then travel 300.07 feet at a bearing S45°W, Then travel 305.00 feet at a bearing S34d36'5"E, Then travel 165.44 feet at a bearing S45°W, Then travel 26.8 feet at a bearing N89°39'0"W, to the point of start, more generally described as being located west of the western terminus of Fairmont Boulevard and north of Tower Road.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 3.202 acre parcel from Office Commercial to General Commercial be continued to the December 6, 2001 Planning Commission meeting.

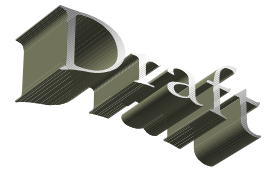
8. No. 01CA034 - Section 32, T2N, R8E

A request by Jeffrey Devine to consider an application for an **Amendment to the Comprehensive Plan by amending the Elk Vale Neighborhood Area Future Land Plan to change the future land use designation on a 4.98 acre tract from General Commercial to Heavy Industrial** on Tract B of SW1/4 SW1/4 less right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 262 Cambell Street.

Planning Commission recommended that the Amendment to the Comprehensive Plan amending the Elk Vale Neighborhood Area Future Land Plan to change the future land use designation on a 4.98 acre tract from General Commercial to Heavy Industrial be continued to the December 6, 2001 Planning Commission to allow the Future Land Use Committee to review the proposed amendment.

9. No. 01CA035 - Sections 29 and 32, T2N, R8E

A request by Centerline for A/R Group to consider an application for a **Major Street Plan Amendment** on Amendment to the Major Street Plan, an element of the Comprehensive Plan, including eliminating and modifying various collector roadways all located in the SW1/4 SW1/4 Section 29 and N1/2 NW1/4 Section 32 T2N, R8E, BHM, Rapid City, Pennington County, South Dakota and identifying the extension of Eglin Street, an arterial roadway located in Sections 29 and 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of proposed



East Anamosa and East North Street.

Planning Commission recommended that the Comprehensive Plan Amendment – Amendment to the Major Street Plan be approved with the following stipulation:

Transportation Planning Division Recommendation:

1. That the intersection geometrics of the proposed realignment of Century Road with East Anamosa Street comply with all applicable City Standards.

10. **No. 01CA036 - Sections 29 and 32, T2N, R8E**

A request by Centerline for A/R Group to consider an application for an **Amendment to the North Rapid Neighborhood Area Future Land Use Plan**, an element of the Comprehensive Plan, to eliminate and modify various collector roadways all located in the SW1/4 SW1/4 Section 29 and N1/2 NW1/4 Section 32 T2N, R8E, BHM, Rapid City, Pennington County, South Dakota and identifying the extension of Eglin Street , an arterial roadway located in Sections 29 and 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of proposed East Anamosa and East North Street.

Planning Commission recommended that the Comprehensive Plan Amendment – North Rapid Neighborhood Area Future Land Use Plan be approved with the following stipulations:

Transportation Planning Division Recommendation:

That the intersection geometrics of the proposed realignment of Century Road with East Anamosa Street comply with all applicable City Standards.

11. **No. 01OA022 - Ordinance Amendment**

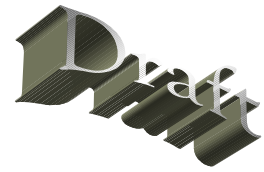
A request by City of Rapid City to consider an application for an Ordinance amending the Rapid City Municipal Code by changing the name of “Use on Review” and “Use Permitted on Review” to “Conditional Use” or “Conditional Use Permit.”

Planning Commission recommended that the Ordinance Amendment - Changing the term Use On Review to Conditional Use Permit be approved.

13. **No. 01PD050 - Lowe's Subdivision**

A request by Ozark Civil Engineering for Lowe's Companies Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lots 1 and 2 of Lowe's Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Haines Avenue and Mall Drive.

Planning Commission recommended that the Planned Commercial Development - Initial and Final Development Plan request be continued to the December 6, 2001 Planning Commission meeting to allow the legal notification requirement to be met.



14. No. 01SV032 - Lowe's Subdivision

A request by Ozark Civil Engineering for Lowe's Companies to consider an application for a **Variance to the Subdivision Regulations** on Lots 1 and 2 of Lowe's Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Haines Avenue and Mall Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalks along Mall Drive and the proposed access easement be continued to the December 6, 2001 Planning Commission meeting to allow the legal notification requirement to be met.

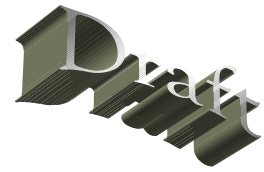
15. No. 01PL079 - Lowe's Subdivision

A request by Ferber Engineering Company to consider an application for a **Preliminary and Final Plat** on Lot 1 and Lot 2 of Lowe's Subdivision formerly Tract CR and Tract 1 of Martley Subdivision located in the NW1/4 of the NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the east side of Haines Avenue between Mall Drive and Disk Drive.

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

Engineering Division Recommendations:

1. **Prior to Preliminary Plat approval by the City Council, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code 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, 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;**
3. **Prior to Preliminary Plat approval by the City Council, revisions to the Drainage Plan shall be submitted for review and approval as required by the Engineering Division. In addition, the plat shall be revised to show Major Drainage Easement(s) as required for conveyance of drainage from Lot 2 through Lot 1;**
4. **Prior to Preliminary Plat approval by the City Council, minor revisions to the grading plan shall be submitted for review and approval;**
5. **Prior to Final Plat approval by the City Council, the plat shall be revised to show the access easement extending east from Haines Avenue as an "Access and Utility Easement";**
6. **Prior to Final Plat approval by the City Council, the plat shall be revised to remove the non-access easement along the north side of proposed Lot 2;**
7. **Prior to Final Plat approval by the City Council, the plat shall be revised to show a non-access easement along the north lot line of Lot 8 except for the approved approach location;**



8. **Prior to Final Plat approval by the City Council, the plat shall be revised to show a non-access easement along the first 50 feet of the east lot line as it extends north to south;**

Urban Planning Division Recommendations:

9. **A Special Exception to the Street Design Criteria Manual is hereby granted to reduce the separation requirement between signalized intersections from 1,200 feet to 600 feet;**
 10. **A Special Exception to the Street Design Criteria Manual is hereby granted to reduce the width of the proposed access easement from 59 feet to 36 feet with the stipulation that the plat be revised identifying the easement as an "Access and Utility Easement";**
 11. **Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,**
 12. **Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.**
16. No. 01PD058 - Stoney Creek Subdivision Phase I

A request by Dream Design International to consider an application for a **Planned Residential Development - Final Development Plan to allow single family housing** on Lots 1, 2, 3 and 4 of Block 1 of Stoney Creek Subdivision Phase I, Section 22, 1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current western terminus of Stoney Creek Drive.

Planning Commission recommended that the Major Amendment to a Planned Residential Development to allow single family residences be approved with the following stipulations:

Building Inspection Recommendation:

1. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**

Fire Department Recommendations:

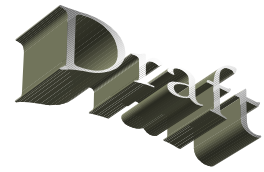
2. **The Uniform Fire Code shall be continually met;**

Urban Planning Division Recommendations:

3. **The Planned Residential Development shall allow single family residences only; and,**
4. **A nineteen foot rear yard setback shall be allowed on Lot 19, otherwise, all provisions of the Low Density Residential District shall be met unless otherwise authorized.**

19. No. 01SV033 - Cleghorn Canyon Subdivision No. 2

A request by Alvin Aisenbrey to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for topographic information, sidewalk, curb and gutter and street lights** on Lot 13 Revised of Block 2 of Cleghorn Canyon Subdivision No. 2, located in Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5100 Cleghorn Canyon Road.



Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement for topographic information, sidewalk, curb and gutter and street light conduit be continued to the December 6, 2001 Planning Commission meeting to allow the legal notification requirement to be met.

20. No. 01PL116 - Debra Subdivision

A request by Doug Sperlich for James Letner to consider an application for a **Preliminary and Final Plat** on Lot 2R and Lot 3 of Debra Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current northern terminus of Debra Drive.

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

Engineering Division Recommendations:

1. **Prior to Preliminary Plat approval by the City Council, road construction plans showing a sidewalk on both sides of the street as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**

Urban Planning Division Recommendations:

2. **Prior to Final Plat approval by the City Council, Preliminary and Final Plat #01PL009 shall be approved or the legal description on the plat shall be revised;**
3. **Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,**
4. **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 fee shall be paid.**

21. No. 01SV034 - Debra Subdivision

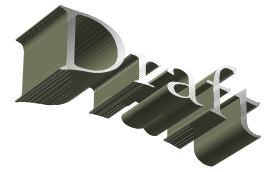
A request by Doug Sperlich for James Letner to consider an application for a **Variance to the Subdivision Regulations to allow sidewalks on one side of the street** on Lot 2R and Lot 3 of Debra Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current northern terminus of Debra Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow sidewalks on one side of the street be continued to the December 6, 2001 Planning Commission meeting to allow the legal notification requirement to be met.

---END OF HEARING CONSENT CALENDAR---

12. No. 01PD049 - Fairelm Subdivision

A request by Thurston Design Group for Regional Senior Care to consider an application for a **Major Amendment to a Planned Residential Development to increase the density and allow a nursing home** on Lot B of Fairelm



Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 417 East Fairlane Drive.

Wevik advised that Sam Kooiker requested that this item be considered later in the agenda so that he can be present during discussion.

Wall moved, Stone seconded and unanimously carried to continue No. 01PD049 until later on the agenda. (7 to 0)

Elkins requested that Items 17 and 18 be considered concurrently.

17. No. 01RZ063 - Cleghorn Canyon Subdivision No. 2
A request by Alvin Aisenbrey to consider an application for a **Rezoning from No Use District to Park Forest District** on Lot 13 of Block 2 of Cleghorn Canyon Subdivision No. 2, located in Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5100 Cleghorn Canyon Road.

18. No. 01PL114 - Cleghorn Canyon Subdivision No. 2
A request by Alvin Aisenbrey to consider an application for a **Preliminary and Final Plat** on Lot 13 Revised of Block 2 of Cleghorn Canyon Subdivision No. 2, located in Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5100 Cleghorn Canyon Road.

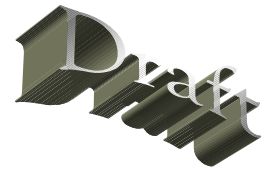
Elkins advised that the applicant has requested that the Rezoning and Preliminary and Final Plat requests be continued to the December 6, 2001 Planning Commission meeting.

Stone moved, Wall seconded and unanimously carried to recommend that the Rezoning from No Use District to Park Forest District and the Preliminary and Final Plat be continued to the December 6, 2001 Planning Commission meeting at the applicant's request. (7 to 0)

22. No. 01UR037 - Nicholl's Subdivision
A request by Anne Devlin to consider an application for a **Use On Review for a Child Care Center** on Lot 2 less W250', Nicholl's Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1241 E. St. Joseph Street.

Prairie Chicken noted that staff's recommendation should be corrected to reflect continuation to the January 10, 2002 Planning Commission meeting.

Prairie Chicken moved, Scull seconded and unanimously carried to recommend that the Use On Review for a Child Care Center be continued to the January 10, 2002 Planning Commission meeting to allow the applicant time to submit additional required information. (7 to 0)



Fisher requested that Items 23 and 24 be considered concurrently.

23. No. 01PL102 - Sections 22 and 27, T1N, R8E

A request by Alliance of Architects for American West Communities to consider an application for a **Layout Plat** on S1/2 of the NE1/4 and the SE1/4 except Bradeen Subdivision of Section 22 and NE1/4 Section 27, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Reservoir Road and South Side Drive.

24. No. 01SV031 - Sections 22 and 27, T1N, R8E

A request by Alliance of Architects for American West Communities to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for curb and gutter, dry sewer, street conduit and to allow sidewalk on one side of the street** on S1/2 of the NE1/4 and the SE1/4 except Bradeen Subdivision of Section 22 and NE1/4 Section 27, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Reservoir Road and South Side Drive.

Fisher presented the staff reports noting that the applicant has requested that only the requested variance for the provision of dry sewer be discussed at this time and that the balance of the Variance request and the associated Layout Plat request be continued to the December 6, 2001 Planning Commission meeting.

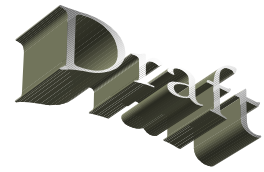
Fisher reviewed the slides and related previous action taken by City Council concerning this property. She identified staff's concerns with high groundwater, floodway issues and on-site wastewater systems noting that the City sewer facility is located approximately a mile and one half from the subject property. Fisher indicated that a letter was received from an area property owner expressing concerns with on-site septic systems in this area. She added that based on concerns expressed by Pennington County staff and a lack of adequate information to evaluate on-site septic systems, staff recommends that the Variance to the Subdivision Regulations to waive the requirement for dry sewer be denied and that the balance of the requested variance and the Layout Plat be continued to December 6, 2001 Planning Commission meeting at the applicant's request.

Discussion followed concerning the proximity of the waste-water treatment plant to the subject property and the likelihood that the property will be annexed into the Rapid City limits in the foreseeable future.

Wall noted that a Committee is currently reviewing issues associated with the provision of City services outside City limits.

Discussion followed.

Wall moved, Mashek seconded and unanimously carried to recommend that the Layout Plat be continued to the December 6, 2001 Planning Commission meeting at the applicant's request; and to recommend that the Variance to the Subdivision Regulations to waive the requirement for



dry sewer be denied and that the Variance to the Subdivision Regulations to waive the requirement for curb and gutter, street light conduit and to allow sidewalks on one side of the street be continued to the December 6, 2001 Planning Commission meeting. (7 to 0)

Emerson requested that 25 and 26 be considered concurrently.

25. No. 01PD059 - Blakes Addition

A request by Harvey Colgrove to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lots 31-34 of Block 12 of Blakes Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 305 LaCrosse Street.

26. No. 01RZ062 - Blakes Addition

A request by Harvey Colgrove to consider an application for a **Rezoning from Medium Density Residential District to General Commercial District** on Lots 31-34 of Block 12 of Blakes Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 305 LaCrosse Street.

Emerson reviewed the history of the property and surrounding uses noting that the applicant's requests in 1996 and 1999 for rezoning the property from Medium Density Residential to General Commercial were denied without prejudice. He explained that the Future Land Use Committee has identified this property as appropriate for Office Commercial uses. He expressed staff's concerns with the types of uses permitted in the General Commercial Zoning District and recommended that the Rezoning from Medium Density Residential to General Commercial and the Planned Commercial Development plan be denied.

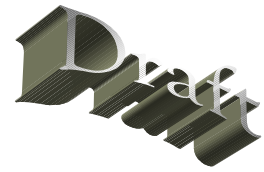
Barbara Van Norman, area property owner, advised that she spoke in opposition to the proposed rezoning in 1998. She stated that she has owned a four plex rental unit in this neighborhood for 15 years and she feels that this is a viable neighborhood with long-term residents. She added that she feels there is no reason to vary from the adopted Future Land Use Plan.

Dorothy Smith, area property owner and neighborhood resident for 35 years, spoke in opposition to the proposed Rezoning and Planned Development applications.

Wall moved, Stone seconded and unanimously carried to recommend that the Planned Commercial Development - Initial and Final Development Plan and the Rezoning from Medium Density Residential District to General Commercial District be denied. (7 to 0)

27. No. 01UR055 - Section 14, T1N, R7E

A request by Remodel King for Daniel M. Tackett to consider an application for a **Use On Review to allow a private residential garage in excess of 1000 square feet** on the unplatted part of the NW1/4 SE1/4 NW1/4 of Section 14,



T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3751 Skyline Drive.

Seaman presented the staff report and reviewed the slides. She indicated that the applicant has requested that plumbing be allowed in the garage noting that the Planning Commission has consistently prohibited plumbing in garage structures. She reviewed staff's recommendation for approval with stipulations.

Scull moved and Hoffmann seconded to recommend that the Use On Review to allow a private residential garage in excess of 1000 square feet be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval, a revised site plan shall be submitted identifying the location of the on-site septic system;
2. Prior to City Council approval, a revised site plan shall be submitted identifying that the entry gate shall be removed or identifying the re-location of the entry gate outside of the Skyline Drive right of way;
3. Prior to issuance of a Certificate of Completion, the applicant shall either remove the entry gate or the gate shall be re-located outside of the right of way;

Fire Department Recommendations:

4. Prior to City Council approval, a wildland fire mitigation plan shall be submitted for review and approval;
5. Prior to issuance of a Certificate of Completion, the wildland fire mitigation plan shall be implemented;
6. The first fifty feet of the driveway shall be paved and the remainder of the driveway shall be continually maintained with a minimum 20 foot wide all weather surface;

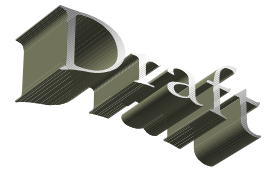
Building Inspection Department Recommendations:

7. Prior to any construction, the applicant shall obtain a Building Permit and prior to occupancy, the applicant shall obtain a Certificate of Completion;

Urban Planning Division Recommendations:

8. No plumbing shall be allowed in the garage and prior to City Council approval, a revised site plan shall be submitted excluding the water and sewer service lines to the proposed garage;
9. That the garage shall be constructed of the same materials and maintained with the same colors as the existing residence;
10. Prior to issuance of a Building Permit, the applicant shall file a notice with the Pennington County Register of Deeds Office indicating that the garage shall be used only for residential purposes.

Scott Sogge, Remodel King Construction, expressed concern that plumbing would not be allowed in the garage noting that the applicant would like to have a bathroom in the garage structure so that they could shower prior to coming into the main house after working in the yard. He added that he feels the Use On Review and statement signed by the applicant provide adequate protection



against improper use of the garage.

Wevik indicated that the Planning Commission has consistently stipulated that plumbing is not permitted in garage structures.

Discussion followed concerning use of garage buildings, requirements for secondary septic sites within Rapid City limits, the lot size of the subject property and enforceability issues associated with Zoning Code violations.

The motion unanimously carried to recommend that the Use On Review to allow a private residential garage in excess of 1000 square feet be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval, a revised site plan shall be submitted identifying the location of the on-site septic system;
2. Prior to City Council approval, a revised site plan shall be submitted identifying that the entry gate shall be removed or identifying the re-location of the entry gate outside of the Skyline Drive right of way;
3. Prior to issuance of a Certificate of Completion, the applicant shall either remove the entry gate or the gate shall be re-located outside of the right of way;

Fire Department Recommendations:

4. Prior to City Council approval, a wildland fire mitigation plan shall be submitted for review and approval;
5. Prior to issuance of a Certificate of Completion, the wildland fire mitigation plan shall be implemented;
6. The first fifty feet of the driveway shall be paved and the remainder of the driveway shall be continually maintained with a minimum 20 foot wide all weather surface;

Building Inspection Department Recommendations:

7. Prior to any construction, the applicant shall obtain a Building Permit and prior to occupancy, the applicant shall obtain a Certificate of Completion;

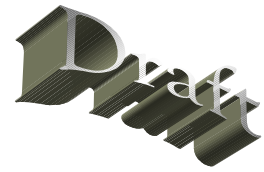
Urban Planning Division Recommendations:

8. No plumbing shall be allowed in the garage and prior to City Council approval, a revised site plan shall be submitted excluding the water and sewer service lines to the proposed garage;
9. That the garage shall be constructed of the same materials and maintained with the same colors as the existing residence;
10. Prior to issuance of a Building Permit, the applicant shall file a notice with the Pennington County Register of Deeds Office indicating that the garage shall be used only for residential purposes. (7 to 0)

Emerson requested that Items 28-31 be considered concurrently.

28. No. 01RZ057 - Enchanted Pines Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on Lots 1-6, Block 1; Lots 1-5, Block 2; and Lots 1-9, Block 3 of



Enchanted Pines Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Enchanted Pines Drive.

29. No. 01PD052 - Enchanted Pines Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 1-6, Block 1; Lots 1-5, Block 2; and Lots 1-9, Block 3 of Enchanted Pines Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Enchanted Pines Drive.

30. No. 01SV026 - Enchanted Pines Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for water, sewer, paving, curb, gutter, sidewalks, and street light conduit and to allow lots more than twice as long as they are wide** on Lots 1-6, Block 1; Lots 1-5, Block 2; and Lots 1-9, Block 3 of Enchanted Pines Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Enchanted Pines Drive.

31. No. 01PL103 - Enchanted Pines Subdivision

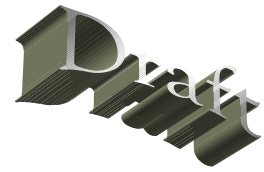
A request by Dream Design International, Inc. to consider an application for a **Preliminary and Final Plat** on Lots 1-6, Block 1; Lots 1-5, Block 2; and Lots 1-9, Block 3 of Enchanted Pines Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Enchanted Pines Drive.

Emerson advised that staff recommends that Items 28-31 be continued to the December 6, 2001 Planning Commission meeting noting that he had contacted some of the adjacent land owners to let them know that these items would be continued.

Scull moved, Hoffmann seconded and unanimously carried to recommend that the rezoning from General Agriculture District to Low Density Residential District, the Planned Residential Development, Variances to the Subdivision Regulations, and Preliminary and Final Plat be continued to the December 6, 2001 meeting to be considered in conjunction with the Preliminary and Final Plat and to allow the applicant to submit additional required information. (7 to 0)

12. No. 01PD049 - Fairlme Subdivision

A request by Thurston Design Group for Regional Senior Care to consider an application for a **Major Amendment to a Planned Residential Development to increase the density and allow a nursing home** on Lot B of Fairlme Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 417 East Fairlane Drive.



Kooiker entered the meeting at this time.

Elkins indicated that the original approved use for the subject property was for senior living on an independent basis noting that the facility was never used in that regard. She added that staff was not aware that the facility was not being used appropriately until the new owner purchased the property. She clarified that the definition for a "nursing home" varies between City Zoning Code, City Building Code and the State Health Department. She stated that this approval will bring the facility into compliance with the Zoning Regulations noting that the State Department of Health has already licensed the facility.

Discussion followed concerning the definition of an Assisted Living Facility according to City Ordinance, Building Code classifications for nursing homes, the mobility of residents using the facility, the proposed locking mechanism for the doors of the facility and the definition of a nursing home as opposed to congregate housing.

Kooiker expressed concern that there are different definitions for a nursing home in the Building Code and the Zoning Ordinance.

Stone requested clarification concerning what issues need to be resolved prior to the issuance of a building permit. Clark responded that the primary concern was the need to change the locking system noting that a new locking system has been selected for the facility.

Elkins noted that the building permit cannot be issued until the Planned Development approval is granted.

Discussion followed concerning the State Department of Health's licensing requirements for adult care facilities.

Wall moved and Scull seconded to recommend that the Major Amendment to a Planned Residential Development be approved with the following stipulations:

Engineering Division Recommendations:

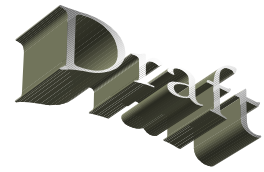
1. Prior to issuance of a Building Permit, plans shall be submitted showing that no grading or improvements will be made within the existing drainage easement or drainage information shall be submitted that demonstrates that adequate capacity will be maintained if any improvements or grading is proposed within the existing drainage easement;

Fire Department Recommendations:

2. That any further expansion of the structure would require that the sprinkler system be upgraded from a 13D sprinkler system to a 13R sprinkler system;

Building Inspection Department Recommendations:

3. Prior to issuance of a Building Permit the current door locking system shall be replaced with a system that will conform with the requirements of the Uniform Building Code for an R-1 occupancy or an alternate system approved by the Building Official;



4. That the use of the building shall continually comply with all requirements of the Uniform Building Code;
- Urban Planning Division Recommendations:**
5. That all requirements of the Off-Street Parking Ordinance and Landscaping Ordinance shall be continually met; and,
 6. That any changes to the approved Planned Residential Development be approved in accordance with the requirements of Section 17.50.070 of the Rapid City Municipal Code.

Kooiker spoke in opposition to the motion expressing concern that the residents who use this facility may not have adequate mobility and he expressed concern that the door locks could become a safety hazard.

Jeff Reupel, Thurston Design Group, stated that a letter has been provided by the Regional Senior Care concerning State licensing issues and the requirement for mobility of the residents. He noted that the facility also performs monthly fire drills.

Scull indicated that his personal experience with a family member living at the facility showed that residents were moved to other facilities when they were no longer mobile.

Kooiker state that he would like to see the Zoning Ordinance and Building Code modified to address this issue.

The motion unanimously carried to recommend that the Major Amendment to a Planned Residential Development be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to issuance of a Building Permit, plans shall be submitted showing that no grading or improvements will be made within the existing drainage easement or drainage information shall be submitted that demonstrates that adequate capacity will be maintained if any improvements or grading is proposed within the existing drainage easement;

Fire Department Recommendations:

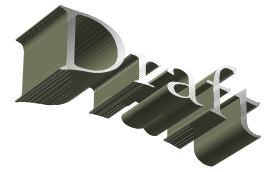
2. That any further expansion of the structure would require that the sprinkler system be upgraded from a 13D sprinkler system to a 13R sprinkler system;

Building Inspection Department Recommendations:

3. Prior to issuance of a Building Permit the current door locking system shall be replaced with a system that will conform with the requirements of the Uniform Building Code for an R-1 occupancy or an alternate system approved by the Building Official;
4. That the use of the building shall continually comply with all requirements of the Uniform Building Code;

Urban Planning Division Recommendations:

5. That all requirements of the Off-Street Parking Ordinance and



- Landscaping Ordinance shall be continually met; and,**
- 6. That any changes to the approved Planned Residential Development be approved in accordance with the requirements of Section 17.50.070 of the Rapid City Municipal Code. (7 to 0)**

---BEGINNING OF REGULAR AGENDA ITEMS---

32. Discussion Items

- A. Revisions to the Subdivision Regulations regarding Final Plats - Bill Lass

Elkins distributed a draft amendment to the Subdivision Regulations outlining a process for administrative approval of final plats. She advised that both the Mitchell and Sioux Falls communities have found that the administrative approval process streamlines the platting process for both developers and the review bodies.

Wevik stated that he would like an opportunity to review the draft in detail.

Wall moved, Stone seconded and unanimously carried to continue discussion on the revisions to the Subdivision Regulations to the December 6, 2001 Planning Commission meeting. (8 to 0)

- B. Renaming S.D. Highway 79 to Cambell Street - Bill Lass

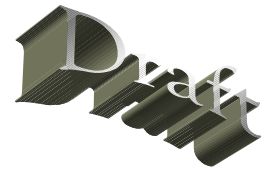
Elkins advised that properties located along Cambell Street extending south from Fairmont Boulevard are currently using both Cambell Street and S.D. Highway 79 for addressing purposes. She noted that the Fire Department and Dispatch have expressed concern with the confusion created from the use of both names along the same road noting that the Fire Department and Dispatch would like to see the name consistently changed to Cambell Street.

Discussion followed concerning how far the Cambell Street name should extend south prior to the transition to the name S.D. Highway 79, the potential for additional confusion at the time of re-routing S.D. Highway 79, and existing street segments that were platted with the name "Cambell Street".

Kooiker moved, Stone seconded and unanimously carried to direct staff to initiate the process for renaming S.D. Highway 79 to Cambell Street. (8 to 0)

33. Staff Items

Elkins expressed her appreciation to Blaise Emerson for all his hard work in the Planning Department and wished him well in his new position at the City of Custer. The Planning Commission expressed their appreciation to Emerson for his work in the Planning Department.



34. Planning Commission Items

- A. Schedule special evening Planning Commission meeting to consider amendments to the South Robbinsdale Neighborhood Area Future Land Use Plan

The Planning Commission directed staff to schedule the evening Planning Commission meeting to consider amendments to the South Robbinsdale Neighborhood Area Future Land Use Plan for Wednesday December 12, 2001 at 6 p.m. at Grandview Elementary School.

- B. Planning Commissioner appointment to the Infrastructure Development Partnership Review Committee

Stone volunteered to serve as a Planning Commission representative to the Infrastructure Development Partnership Review Committee. Elkins stated that she would advise the Mayor of his willingness to serve on the Committee.

- C. Planning Commission Goals Report

Elkins requested that discussion on the Planning Commission Goals Report be continued to the December 6, 2001 Planning Commission meeting.

Stone moved, Hoffmann seconded and unanimously carried to continue the Planning Commission Goals Report to the December 6, 2001 Planning Commission meeting. (8 to 0)

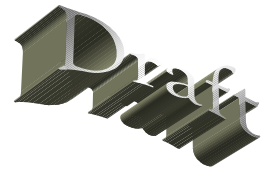
35. Committee Reports

- A. City Council Report (November 5, 2001)

Elkins noted that on November 19th the City Council approved 2nd Reading for the Ordinance Amendment to allow firewood storage and sales as a Use On Review in the General Commercial Zoning District. She advised that the mission staff is exploring the potential for using a site on U.S. Highway 79 for processing the wood and the potential for wholly containing the wood sales area within a structure on the downtown site.

Kooiker indicated that he would like to issue a Request for Proposals to ensure that the Zoning Ordinance definition for nursing homes and assisted living facilities are consistent. He expressed concern that the current ordinance causes confusion in the community.

Discussion followed concerning the extensive work by the Planning Commission to develop revisions to the Zoning Ordinance concerning assisted living facilities in 1993, the non-conforming use at the existing facility, the applicant's work to resolve outstanding issues on the subject property, and staff's workload and the list of priorities.



Kooiker moved to direct staff to place revisions to the Ordinance on the current list of goals. Motion died due to the lack of a second.

Discussion followed concerning staff goals, Ordinance revisions and issues to be addressed by the Safe Drinking Water Committee.

Elkins thanked the Planning Staff for all their hard work during the year and thanked the Planning Commission for their support of staff and the time and dedication they give to the community. She wished everyone a Happy Thanksgiving.

There being no further business Wall moved, Stone seconded and unanimously carried to adjourn the meeting at 8:49 a.m. (8 to 0)