

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
February 7, 2002

MEMBERS PRESENT: Ida M. Fast Wolf, Jeff Hoffmann, Dawn Mashek, Mel Prairie Chicken, Robert Scull, Jeff Stone, Sam Kooiker, Bob Wall, and Stuart Wevik.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Lisa Seaman, Karen Bulman, Kenn Shave, Dan Laddenburger, Dave Johnson, Randy Nelson, Dave LaFrance, Jason Green, and Nadine Bauer

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.**

**Stone Request that Item 7 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Mashek moved, Kooiker seconded and carried unanimously to recommend approval of the Non-Hearing Consent Agenda Items 1 through 13 in accordance with the staff recommendations with the exception of Item 7. (9 to 0)**

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

1. Approval of the January 24, 2002 Planning Commission Meeting Minutes.
2. 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.

**Planning Commission recommended that the Final Plat be continued to the February 21, 2002 Planning Commission meeting.**

3. 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** 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.

**Planning Commission recommended that the Layout Plat be continued to the March 7, 2002 Planning Commission meeting.**

4. No. 01PL110 - Vista Lake Subdivision

A request by Fisk Land Surveying for Dakota Land Development to consider an application for a **Preliminary and Final Plat** on Lots 1-7, Vista Lake Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Jackson Boulevard/Highway 44 west north of the Fish Hatchery.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the February 21, 2002 Planning Commission meeting to allow the applicant to submit additional information.**

5. No. 01PL123 - Rice Valley View Properties Addition

A request by Rice Valley View Properties to consider an application for a **Preliminary and Final Plat** on Lot 6A of Lot 6 of the Rice Valley View Properties Addition, located in Section 6, T1N, R8E, BHM in the City of Rapid City, Pennington County, South Dakota legally, described as Lot 6 of Rice Valley View Properties, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1033 Omaha Street.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the February 21, 2002 Planning Commission meeting to allow staff time to review the revised drainage plans.**

6. No. 01PL124 - Old Rodeo Subdivision

A request by Doug Sperlich for Orthopedic Building Partnership to consider an application for a **Preliminary and Final Plat** on Lot 4; and Physician Drive right-of-way, Old Rodeo Subdivision, Located in the NW1/4 of the SW1/4, and in the NE1/4 of the SW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as a portion of Lot 1 of Old Rodeo Subdivision, more generally described as being located east of U.S. Highway 16, at the current northern terminus of Physician Drive.

**Planning Commission recommended that the Preliminary and Final Plat be continued to the February 21, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.**

8. No. 02PL003 - Henderson Ranch Subdivision

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on SE1/4NE1/4 & W1/2SE1/4 of Section 14, T2N, R7E BHM, Pennington County, South Dakota; and NE1/4 NE1/4 of Section 23, T2N, R7E, BHM Pennington County, South Dakota; and SW1/4 NW/14, less Haines Avenue Right of Way and NW1/4 SW1/4 Section 13, T2N, R7E, BHM, Pennington County, South Dakota; and Lots 5 and 6 of Madison's Subdivision, in the City of Rapid City, as shown on the final plat recorded in Book 12 of Plats on Page 106, Pennington County Register of Deeds, more generally described as being located west of Haines Avenue.

**Planning Commission recommended that the Layout Plat be continued to**

**the February 21, 2002 Planning Commission meeting to allow staff time to review recently submitted topographic information.**

9. No. 02PL004 - Ridge Park Addition #4

A request by Michael Hanson for Patrick Hall to consider an application for a **Preliminary and Final Plat** on Lot 23R of Ridge Park Subdivision #4 (formerly Lots 23, 24 and 34 of Ridge Park Subdivision #4) located in NW1/4 NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lots 23, 24, and 34 of Ridge Park Subdivision #4 located in NW1/4 NE 1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast corner of the intersection of Flormann Street and Hyland Drive.

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

**Engineering Division Recommendations:**

1. Prior to City Council approval, the plat shall be revised to provide for the dedication of one foot of right of way along the Flormann Street frontage and four and one half feet of right of way along the Hyland Drive frontage;
2. Prior to City Council approval, the plat shall be revised to provide non-access easements along both the Hyland Drive and Flormann Street lot lines. The non-access easement shall extend from the southwest corner of the proposed lot north along Hyland Drive to the north lot line of existing Lot 23 and east along Flormann Street for a minimum of 85 feet;
3. Prior to City Council approval, the lot lines in the southwest corner of the proposed Lot 23R shall be revised by eliminating the arc and extend the south lot line west and the west lot line south to create an approximately ninety degree corner in the southwest corner of the proposed lot;

**Air Quality Department Recommendations:**

4. That an Air Quality Construction Permit shall be obtained if more than one acre of surface area is disturbed prior to the issuance of any building permits or grading permits;

**Urban Planning Division Recommendations:**

5. Prior to City Council approval of the Final Plat, the applicant shall submit the required petition with adjoining property owner's signatures consenting to the vacation of the private street;
6. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
7. 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 or a subdivision variance shall be obtained.

10. No. 02AN001 - Section 17, T1N, R8E

A request by City of Rapid City to consider an application for a **Petition for Annexation of Fairmont Boulevard right of way, formerly called Short Bull Street** located in the SW1/4 of Section 8 and the NW1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of SD Highway 79 and south of East St. Patrick Street.

**Planning Commission recommended that the Petition for Annexation of Fairmont Boulevard right of way, formerly called Short Bull Street be approved.**

11. No. 1041 - Ranch Subdivision

A request by City of Rapid City to consider **Dissolution of Tax Increment District #27** on Lot A of Ranch Subdivision located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1 of the NE1/4, NE1/4 and Lot A & B of Lot 1 of the NE1/4 all located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Tract 1 and Tract 2 of Skyline Subdivision #2(also in Section 14), Lot 1 of Lot C of Kelley Addition, Lot C of the NW1/4, NW1/4, Lot B of the NE1/4, NW1/4, Lot 1 & 2 of Lot A of the NE1/4, NW1/4, Lot A & B of the NW1/4, NW1/4, Lot A & C of the SW1/4, NW1/4, Tract 1 & 2 of the SW1/4, NW1/4, Lots D & E of the SW1/4, NW1/4, Lots 1 thru 6 of Tower Ridge Subdivision, Tracts E and D of Medicine Ridge #2, Tract F & G of the SE1/4, NW1/4 & NE1/4, SW1/4, Tract A & B of Tract 1 of the W1/2, SW1/4, Lots 1 thru 7 of Block 1 of Aladdin Heights, Lots 1 thru 6 of Block 2 of Aladdin Heights, and Lots 1 thru 3 of Block 3 of Aladdin Heights, and Lots A, B, C, & E of the SW1/4, SW1/4 all located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1 & 2 of Lot B of the S1/2, NW1/4 & N1/2, SW1/4, Lot B of Lot C of the NW1/4, Lot 1 of Lot A of Lot C of the SE1/4, NW1/4, the entire S1/2, NE1/4, Lot X of the SW1/4, NE1/4, Lot 1 of Thompson Tower Subdivision, Lot 1 & 2 of Trimble Subdivision, Lot N & M of the NE 1/4, NW1/4, Lot AR-Revised, BR-Revised & C of Skyview Subdivision, Lot 2A & 2B of East Ridge Subdivision, Lot 1 of Lot A & Lot B of Lot 1 of Lot C of the NE1/4, NW1/4, Balance of Lot 1 of Lot C of the NW1/4, Lot 1 & 2, of Lot A of Lot C of the NE1/4, SW1/4, Lot D of Lot C of the NE1/4, SW1/4, Lots A & B and the balance of Lot C of the SW1/4, Tracts 1 & 2 of Skyline Subdivision #2 (also in Section 23) and Tract M of Skyline Subdivision all located in Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and including all private and public rights of way within the Rapid City limits located in Section 14, 22, 23 & 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to U.S. Highway 16 South and the intersection of Catron Boulevard.

**Planning Commission recommended that the Dissolution of Tax Increment District #27 be approved.**

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

**Summary of Adoption Action - Amendment to the Elk Vale Neighborhood**

### **Area Future Land Plan**

**Planning Commission approved the Summary of Adoption Action - Amendment to the Elk Vale Neighborhood Area Future Land Plan and authorized publication in the Rapid City Journal.**

13. No. 01CA039 - Section 19, T1N, R8E and Section 24, T1N, R7E  
**Summary of Adoption Action - South Robbinsdale Neighborhood Area Future Land Use Plan**

**Planning Commission approved the Summary of Adoption Action - South Robbinsdale Neighborhood Area Future Land Use Plan and authorized publication in the Rapid City Journal.**

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

7. No. 01PL127 - Sunset Heights Subdivision

A request by Doug Sperlich for Jeff Stone to consider an application for a **Preliminary Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as SW1/4 SE1/4, less Broadmoor Subdivision, less Block 1 of Broadmoor Southwest & less Mountain Shadows Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current terminus of Broadmoor Drive.

Stone advised that he had Item 7 removed from the Non-Hearing Consent calendar because he planned to abstain from voting due to a conflict of interest.

Wevik reviewed the staff recommendation for Item 7.

**Scull moved, Kooiker seconded and carried unanimously to recommend that the Preliminary Plat be continued to the March 7, 2002 Planning Commission meeting to allow the applicant time to submit additional required information. (8 to 0 with Stone abstaining)**

### **---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 25 and 27 be removed from the Hearing Consent Agenda for separate consideration. Kooiker requested that Item 26 be removed from the Hearing Consent Agenda for separate consideration.**

**Wall moved, Hoffman seconded and carried unanimously to recommend approval of the Hearing Consent Agenda Items 14 through 27 in accordance with the staff recommendations with the exception of Items 25-27. (9 to 0)**

14. No. 02OA001 – Ordinance Amendment  
A request by the Rapid City Arts Council to consider an **Ordinance amending Chapters 17.04 and 17.16 of the Rapid City Municipal Code to add "art centers" as a Conditional Use in the Central Business Zoning.**

**Planning Commission recommended that the Ordinance amending Chapters 17.04 and 17.16 of the Rapid City Municipal Code to add "art centers" as a Conditional Use in the Central Business Zoning be approved.**

15. No. 01PD052 – Section 23, T1N, R7E  
A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on S1/2 NW1/4 NE1/4, 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.

**Planning Commission recommended that the Planned Residential Development – Initial and Final Development Plan be continued to the February 21, 2002 Planning Commission meeting.**

16. No. 01SV026 - Section 23, T1N, R7E  
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 S1/2 NW1/4 NE1/4, 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.

**Planning Commission recommended that the 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 be continued to the February 21, 2002 Planning Commission meeting.**

17. 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.

**Planning Commission recommended that Preliminary and Final Plat be continued to the February 21, 2002 Planning Commission meeting.**

18. No. 01RZ057 - Section 23, T1N, R7E  
A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to Low Density Residential**

**District** on the S1/2 NW1/4 NE1/4, 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.

**Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be continued to the February 21, 2002 Planning Commission meeting.**

19. No. 01PD064 - South Boulevard Addition

A request by Bryan K. Gonzales for Pride Neon, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development to revise the sign package** on Lot 2 Revised of Blocks 14-15, South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 640 Flormann Street.

**Planning Commission recommended that the Major Amendment to a Planned Commercial Development to revise the sign package be continued to the March 7, 2002 Planning Commission meeting to allow the applicant time to provide an "as built" site survey and further information with respect to the color of the proposed signs.**

20. No. 01PD065 – Cleghorn Canyon Subdivision - Fish Hatchery Subdivision

A request by Fisk Land Surveying for Dakota Land Development to consider an application for an **Initial and Final Development Plan - Planned Residential Development** on Lot 1 of Lot F-1 of Fish Hatchery Subdivision and the north 545.31 feet of Lot F-1 of Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Jackson Boulevard/Highway 44 west north of the Fish Hatchery.

**Planning Commission recommended that the Initial and Final Development Plan - Planned Residential Development be continued to the February 21, 2002 Planning Commission meeting in order to be heard in conjunction with the associated Preliminary and Final Plat.**

21. No. 02SV001 – Cleghorn Canyon Subdivision - Fish Hatchery Subdivision

A request by Fisk Land Surveying for Dakota Land Development to consider an application for a **Variance to the Subdivision Regulations to allow sidewalks on one side of the street on Feather Ridge Court and to waive the requirement to install sidewalk, curb and gutter, street light conduit, dry sewer and water on the access easement** on Lot 1 of Lot F-1 of Fish Hatchery Subdivision and the north 545.31 feet of Lot F-1 of Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Jackson Boulevard/Highway 44 west north of the Fish Hatchery.

**Planning Commission recommended that the Variance to the Subdivision Regulations to allow sidewalks on one side of the street on Feather Ridge Court and to waive the requirement to install sidewalk, curb and gutter,**

**street light conduit, dry sewer and water on the access easement be continued to the February 21, 2002 Planning Commission meeting to be heard in conjunction with an associated Preliminary and Final Plat.**

22. No. 02RZ004 - Settler's Landing Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on property described by metes and bounds: beginning at the center of Section 19, T2N, R8E, BHM, thence S89°48'30.2"E 2598.85 feet, thence S0°02'29.1"E 560.1 feet, thence N89°48'30.2"W 1275.26 feet, thence S0°03'24.1" 1128.65 feet, thence N89°50'00.0"W 1327.19 feet, thence N0°9'18.7"E 1611.86 feet to the Point of Beginning, located in Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Seger Drive and 143rd Street.

**Planning Commission recommended that the Rezoning from No Use District to General Agriculture District be approved.**

23. 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.

**Planning Commission recommended that the 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 be continued to the March 7, 2002 Planning Commission meeting at the applicant's request.**

24. No. 02SV003 - Ridge Park Addition #4

A request by Michael Hanson for Patrick Hall to consider an application for a **Variance to Subdivision Regulations to waive the requirement to install curb, sidewalk, street light, dry sewer and water** on Lot 23R of Ridge Park Subdivision #4 (formerly Lots 23, 24 and 34 of Ridge Park Subdivision #4) located in NW1/4 NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lots 23, 24, and 34 of Ridge Park Subdivision #4 located in NW1/4 NE 1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Flormann Street and Hyland Drive.

**Planning Commission recommended that the Variance to Subdivision Regulations to waive the requirement to install curb, sidewalk, street light, dry sewer and water be approved with the stipulation that the applicant sign a waiver of right to protest an assessment district for Lot 23R.**



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

25. 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.

Elkins advised that staff is recommending that the Planning Commission acknowledge the applicant's request to withdraw the application for a Use on Review for a Child Care Center.

**Maskek moved, Scull seconded and carried unanimously to acknowledge the applicant's request to withdraw the application for a Use on Review for a Child Care Center.**

Discussion followed.

**The motion unanimously carried to acknowledge the applicant's request to withdraw the application for a Use on Review for a Child Care Center. (9 to 0)**

26. No. 01UR058 – Original Town of Rapid City

A request by the Cornerstone Rescue Mission to consider an application for a **Use On Review to allow the outdoor sales and storage of firewood in the General Commercial Zoning District** on Lot 15-16 and vacated east 10 feet of 1st Street Adjacent to Lot 16, Block 80, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 400 1st Street.

In response to a question from Kooiker, Elkins advised that the Fire Department was extremely busy last week and had not had time to review the revised site plan submitted on January 23, 2002.

**Scull moved, Kooiker seconded and unanimously carried to recommend that the Use On Review to allow the outdoor sales and storage of firewood in the General Commercial Zoning District be continued to the February 21, 2002 Planning Commission meeting to allow staff time to review the revised site plan that was submitted on January 23, 2002. (9 to 0)**

27. No. 02UR002 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Conditional Use Permit to allow for a golf course with club house, pump house, irrigation facilities and maintenance facility**, on a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota described by metes and bounds as follows: beginning at the center of said Section 29; thence S41°36'22"W, 252.87 feet to the true point of beginning; thence N75°38'30"E, 466.70 feet; thence N60°57'28"E, 402.11 feet; thence N74°08'44"E, 324.31 feet to a point lying on a curve concave to the

southwest and whose chord bears S45°01'42"E, 165.57 feet; thence southeasterly along the arc of said curve to the left whose radius is 526.00 feet and whose delta is 18°06'38", an arc length of 166.26 feet to a point of reversed curvature; thence southeasterly along the arc of said curve to the right whose radius is 474.00 feet and whose delta is 42°31'26", an arc length of 351.79 feet to a point of tangency; thence S11°33'36"E, 113.77 feet; thence N78°23'21"W, 327.59 feet; thence N12°26'27"W, 167.00 feet; thence N62°13'43"W, 546.00 feet; thence N89°47'40"W, 102.98 feet; thence N89°57'50"W, 329.86 feet; thence S35°21'41"W, 373.54 feet; thence N77°35'08"W, 305.84 feet; thence N77°42'36"W, 88.09 feet; thence N50°02'00"E, 300.99 feet; thence N39°58'00"W, 182.25 feet; thence N50°02'00"E, 25.00 feet; thence S39°58'00"E, 182.25 feet; thence N49°52'34"E, 238.01 feet to the true point of beginning containing 12.04 acres more or less; a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota described by metes and bounds as follows: beginning at the center of Section 29, thence N13°46'17"W, 409.64 feet to the true point of beginning; thence S36°49'13"E, 483.42 feet; thence S38°00'41"E, 60.57 feet; thence S50°02'00"W, 223.94 feet; thence N36°45'27"W, 54.20 feet; thence S53°54'29"W, 68.74 feet; thence N26°01'35"W, 81.02 feet; thence N89°58'00"W, 405.24 feet; thence S21°27'02"W, 74.40 feet; thence N68°32'58"W, 40.13 feet to a point of curvature; thence westerly along the arc of said curve to the left whose radius is 426.00 feet and whose delta is 40°50'33", an arc length of 303.67 feet to a point on said curve; thence N33°31'59"W, 59.34 feet; thence N89°58'00"W, 598.32 feet; thence N75°25'26"W, 84.30 feet; thence N56°20'40"W, 83.19 feet; thence N33°55'47"W, 83.19 feet; thence N11°30'53"W, 83.19 feet; thence N00°18'26"W, 120.01 feet to a point lying on a curve concave to the north and whose chord bears N75°29'39"E, 157.38 feet; thence easterly along the arc of said curve to the left whose radius is 330.00 feet and whose delta is 27°35'26", an arc length of 158.91 feet to a point of tangency; thence N61°41'56"E, 174.47 feet; thence S48°40'58"E, 157.92 feet; thence S89°58'00"E, 358.27 feet; thence S70°46'42"E, 242.45 feet; thence S85°49'25"E, 189.09 feet; thence N86°23'14"E, 206.77 feet; thence N34°02'00"E, 326.78 feet; thence N47°01'41"E, 133.42 feet; thence N34°02'00"E, 130.00 feet; thence N44°49'19"E, 81.56 feet; thence N67°23'42"E, 111.22 feet; thence N22°36'18"W, 180.00 feet; thence N67°23'42"E, 40.00 feet; thence S22°36'18"E, 140.00 feet; thence N67°23'42"E, 600.06 feet; thence N11°30'24"W, 122.25 feet; thence N78°29'36"E, 29.31 feet to a point of curvature; thence easterly along the arc of said curve to the right whose radius is 370.00 feet and whose delta is 39°22'32", an arc length of 254.28 feet to a point of tangency; thence S62°07'51"E, 50.17 feet point of curvature; thence southeasterly along the arc of said curve to the right whose radius is 370.00 feet and whose delta is 47°09'51", an arc length of 304.57 feet to a point of tangency; thence S14°58'00"E, 32.28 feet; thence N88°05'42"W, 225.15 feet; thence S00°19'04"W, 114.83 feet; thence S76°05'40"W, 133.40 feet; thence S60°02'00"W, 562.50 feet to the true point of beginning containing 19.18 acres more or less; a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota, described by metes and bounds as follows: beginning at the northeast corner of Section 29, thence N89°59'29"W, 1062.76 feet to the true point of beginning; thence S00°00'25"W, 353.14 feet; thence N89°59'37"E, 524.86 feet; thence S36°59'17"E, 331.06 feet; thence N69°48'41"E, 179.21 feet;

thence S00°14'09"E, 640.00 feet; thence S89°45'51"W, 285.83 feet; thence N00°14'09"W, 247.40 feet; thence N45°58'18"W, 491.68 feet; thence S86°19'21"W, 177.81 feet; thence S20°02'00"W, 616.44 feet; thence S14°06'58"W, 237.54 feet; thence S22°18'23"E, 463.84 feet; thence S62°06'49"E, 531.35 feet; thence N27°38'46"E, 217.55 feet; thence N10°24'13"E, 342.35 feet; thence N00°14'09"W, 328.05 feet; thence N89°45'51"E, 280.00 feet; thence S00°14'09"E, 864.24 feet; thence S80°14'09"E, 864.24 feet; thence S80°50'32"W, 155.19 feet; thence S27°30'27"W, 401.50 feet; thence N75°07'30"W, 235.48 feet; thence N35°42'16"W, 207.77 feet; thence N82°22'30"W, 165.29 feet; thence S53°17'01"W, 555.72 feet lying on a curve concave to the southwest and whose chord bears N49°25'37"W, 85.41 feet; thence northwesterly along the arc of said curve to the left whose radius is 526.00 feet and whose delta is 09°18'48", an arc length of 85.50 feet to a point of reversed curvature; thence northerly along the arc of said curve to the right whose radius is 474.00 feet and whose delta is 39°07'01", an arc length of 323.61 feet to a point on said curve; thence N75°02'00"E, 160.00 feet; thence N14°58'00"W, 449.76 feet; thence N23°47'31"W, 174.70 feet; thence N57°27'46"E, 126.29 feet; thence N22° 57'06"E, 132.93 feet; thence N21°41'30"W, 132.93 feet; thence N68°07'14"W, 142.96 feet; thence S67°14'10"W, 122.78 feet; thence S37°43'48"W, 132.21 feet; thence S45°59'12"W, 139.54 feet; thence N62°07'51"W, 50.22 feet to a point of curvature; thence westerly along the arc of said curve to the left whose radius is 438.00 feet and whose delta is 26° 53'36", an arc length of 205.59 feet to a point on said curve; thence N48°34'56"E, 14.64 feet; thence N05°29'36"E, 84.62 feet to a point of curvature; thence northerly along the arc of said curve to the left whose radius is 125.50 feet and whose delta is 11°47'37", an arc length of 25.83 feet to a point on said curve; thence S83°41'59"W, 185.45 feet; thence S75°26'05"W, 143.22 feet; thence S67°23'42"W, 500.00 feet; thence S22°36'18"E, 120.00 feet; thence S67°23'42"W, 40.00 feet; thence N22°36'18"W, 322.08 feet; thence N78°20'24"W, 1042.96 feet; thence S46°26'33"W, 146.11 feet; thence S65°13'50"W, 348.62 feet; thence S00°18'26"E, 371.55 feet; thence S89°58'00"E, 51.07 feet; thence S23°36'19"E, 147.45 feet; thence S11°43'15"W, 148.07 feet; thence S44°27'01"W, 112.01 feet; thence S28°18'04"E, 80.00 feet; thence S61°41'56"W, 203.13 feet to a point of curvature; thence westerly along the arc of said curve to the right whose radius is f 262.03 feet and whose delta angle is 26°36'29", an arc length of 121.69 feet to a point on said curve; thence N00°18'26"W, 389.93 feet; thence N40°11'06"E, 170.94 feet; thence N00°18'26"W, 260.00 feet; thence S89°41'34"W, 275.00 feet; thence N00°18'26"W, 250.65 feet; thence N89°41'34"E, 259.46 feet; thence N11°26'25"W, 489.21 feet; thence N00°18'26"W, 120.00 feet; thence N73°26'56"W, 172.41 feet; to a point lying on a curve concave to the southeast and whose chord bears N35°11'50"E, 376.34 feet; thence northerly along the arc of said curve to the right whose radius is 326.00 feet and whose delta is 70°30'31", an arc length of 401.18 feet to a point on said curve; thence S19°17'53"E, 184.08 feet; thence S84°34'51"E, 222.17 feet; thence S42°07'06"E, 138.67 feet; thence S78°55'58"E, 360.35 feet; thence N48°08'07"E, 118.95 feet; thence S89°58'30"E, 499.94 feet; thence S84°36'27"E, 259.73 feet; thence S71°13'04"E, 327.49 feet; thence N51°56'05"E, 396.19 feet; thence N21°20'29"W, 369.45 feet; thence

N81°50'43"W, 403.04 feet to a point lying on a curve concave to the west and whose chord bears N04°04'58"E, 60.50 feet; thence northerly along the arc of said curve to the left whose radius is 426.00 feet and whose delta is 08°08'38", an arc length of 60.55 feet to a point of tangency; thence N00°00'39"E, 77.01 feet; thence S89°56'23"E, 525.93 feet; thence S89°59'55"E, 1318.15 feet; thence S89°59'29"E, 255.92 feet to the true point of beginning containing 127.19 acres more or less; and, a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota described by metes and bounds as follows: beginning at the northwest corner of Section 29, thence S89°56'23"E, 2053.37 feet; thence S00°00'39"W, 77.05 feet to a point of curvature; thence southerly along the arc of said curve to the right whose radius is 374.00 feet and whose delta is 21°21'18", an arc length of 139.40 feet to a point on said curve; thence N68°38'03"W, 150.00 feet; thence S42°44'25"W, 163.28 feet; thence S88°50'49"W, 453.19 feet; thence S85°24'59"W, 183.42 feet; thence N74°24'46"W, 476.27 feet; thence N79°54'55"W, 162.92 feet; thence S79°09'58"W, 154.84 feet; thence S19°17'53"E, 150.00 feet to a point lying on a curve concave to the south and whose chord bears S69°10'39"W, 20.01 feet; thence westerly along the arc of said curve to the left whose radius is 376.00 feet and whose delta is 03°02'57", an arc length of 20.01 feet; thence N19°17'53"W, 150.15 feet; thence S65°34'24"W, 254.94 feet to a point lying on a curve concave to the south and whose chord bears N77°30'26"W, 120.54 feet; thence westerly along the arc of said curve to the left whose radius is 226.00 feet and whose delta is 30°56'04", an arc length of 122.02 feet; thence N00°18'22"W, 263.37 feet to the point of beginning containing 11.27 acres more or less, located west of Sheridan Lake Road.

Elkins advised that the applicant's representative requested that the Conditional Use Permit be continued to the February 21, 2002 Planning Commission meeting.

**Scull moved, Stone seconded and unanimously carried to recommend that the Conditional Use Permit to allow for a golf course with club house, pump house, irrigation facilities and maintenance facility be continued to the February 21, 2002 Planning Commission meeting.**

Blaise Emerson, representing Bob Borgmeyer, advised that his client concurs with continuing this item to the February 21, 2002 Planning Commission meeting.

**The motion unanimously carried to recommend that the Conditional Use Permit to allow for a golf course with club house, pump house, irrigation facilities and maintenance facility be continued to the February 21, 2002 Planning Commission meeting. (9 to 0)**

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

28. Discussion Items  
A. Continuation of Conditional Use Permit Applications Under New Procedures – Referred to Planning Commission from City Council -

Marcia Elkins

Elkins explained that at a previous City Council meeting, Rick Kriebel expressed concerns about the appeal process for a continuation motion made by the Planning Commission for Conditional Use Permits under the new procedures. She further added that this item was referred back to the Planning Commission from the City Council for discussion and direction on how to proceed with the new procedures for Conditional Use Permit Applications.

Elkins suggested two options to the Planning Commission: 1) Revise the Ordinance with a provision for appeal of a continuation motion by Planning Commission; or, 2) Establish a timeframe for the Planning Commission to act on a Conditional Use Permit. Elkins discussed the state statute regarding timeframes for plats.

Discussion followed concerning the Friday, February 8, 2002 submittal deadline. Elkins advised that these applications will be the first submittals that will be subject to the new procedures outlined in Ordinance #3771. Elkins added that at this time, staff does not know if continuances will be a significant problem.

Wall stated that during his time on the Planning Commission he has never seen an item that has been unreasonably continued and does not feel that this is an issue that needs to be addressed.

In response to a question from Wall, Kroeger advised that there was little discussion on this item at the January 21, 2002 City Council meeting. Discussion followed concerning monitoring the Conditional Use Permit applications for a period of time. Kroeger supported monitoring the situation before revising the Ordinance.

Kooiker expressed concerns about the timeliness of appeals and felt that the ordinance should be revised to allow an applicant to appeal a continuation and be heard at the next City Council meeting. Lengthy discussion followed regarding due process and proper notification.

Jason Green, Assistant City Attorney, discussed procedural due process, legal notice, and the opportunity to be heard. He added that the Ordinance in its current form sets out constitutionally permissible notice requirement. There are no procedural due process problems at this time.

Discussion followed concerning the applicant's responsibility regarding planning ahead when submitting an application, timely appeals, the process for requesting a special council meeting, and Planning Commission's recommendation to approve or to deny without prejudice.

**Kooiker moved to recommend that the Planning Commission direct staff to draft an Ordinance Amendment with a provision that all**

**continuation motions for Planned Developments and Conditional Use Permits be forwarded to the City Council for review. The motion died for lack of a second.**

Discussion followed.

**Stone moved, Mashek seconded and unanimously carried to direct staff to monitor the Planned Development and Conditional Use Permit process for six months and report back to the Planning Commission as a Discussion Item. (9 to 0)**

29. Staff Items

- A. Parking Requirements for Computerized Manufacturing Facilities – Marcia Elkins

Elkins reviewed her memorandum to the Planning Commission regarding parking requirements for Hi-Tech Industrial Production Facilities. She explained that the Ordinance does not adequately address the parking requirements for high technology, robotic production facilities.

Discussion followed concerning amending the Ordinance to define additional types of production facilities, changes in use in the three digit federal SIC code, reviewing parking, over building a site, and calculating parking.

Scull advised that he is on the Zoning Board of Adjustment and provided a brief history of the Fenske Printing Plant construction project. Scull expressed concerns about revising the Ordinance for one business, the need for developing a definition for high technology manufacturing facilities, potential future uses of a facility with the same Standard Industrial Classification (SIC) code and parking rates.

Hoffman also expressed concerns about revising the Ordinance for one company, granting variances and future parking needs.

Jason Green, City Attorney, cautioned the Planning Commission on relying on the availability of a variance as a fix for any perceived problem in the Zoning Ordinance. He added that it is the Planning Commission's responsibility to fix the Zoning Ordinance not the Zoning Board of Adjustment.

Stone expressed concerns with amending the Ordinance for one business, future parking requirements and attracting new businesses to the area. He agreed that there needs to be a definition for hi-tech industrial facilities.

**Wall moved, Prairie Chicken seconded to direct staff to draft an Ordinance Amendment defining hi-tech industrial facilities and a**

**specific parking rate for those facilities.**

Kooiker suggested amending the formula for calculating the parking rate rather than amending the Ordinance.

**The motion unanimously carried to direct staff to draft an Ordinance Amendment defining hi-tech industrial facilities and a specific parking rate for those facilities. (9 to 0)**

- B. Ordinance Amendments Related to Pet Stores and Kennels - Marcia Elkins

Elkins reviewed the staff recommendation, code requirements for kennel licenses and the issues related to pet stores and kennels in the Zoning Ordinance.

A brief discussion followed concerning definitions and zoning districts.

**Kooiker moved, Hoffman seconded to authorize staff to advertise for a public hearing to consider amendments to the Zoning Ordinance to modify the definition of kennel and provide a definition for pet stores; and, to allow pet stores in General Commercial, Shopping Center I and Shopping Center II zoning districts. (9 to 0)**

30. Planning Commission Items

- A. Planning Commissioners' website e-mail addresses - Sam Kooiker  
Discussion followed concerning the process for posting public comment on the internet, individual e-mail, and group e-mail for the Planning Commission.

**Kooiker moved, Mashek seconded to direct staff to post any public comment to the internet as soon as possible and e-mail the public comments to the Planning Commission by group email.(9 to 0)**

- B. Realtor Signs in the Right-of-Way  
In response to a question from Mashek, Green advised that this item was tabled at the January 30, 2002 Legal and Finance meeting, Green explained that the Code Enforcement staff is enforcing realtor signs in the right-of-way on a complaint basis.

**There being no further business Prairie Chick moved, Hoffman seconded and unanimously carried to adjourn the meeting at 7:45 a.m. (9 to 0)**