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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 24, 2002

MEMBERS PRESENT: Jeff Hoffmann, Dawn Mashek, Mel Prairie Chicken, Ethan Schmidt, Jeff Stone, Bob Wall, and Stuart Wevik,

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Jeff Marino, Lisa Seaman, Tom Kurtenbach, Karen Bulman, Bill Knight, Dave Johnson, Randy Nelson, Dave LaFrance, Jason Green and Nadine Bauer

Chairperson Wevik called the meeting to order at 7:03 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.

Staff requested that Items 5, 13, and 18 be removed from the Non-Hearing Consent Agenda for separate consideration. No Planning Commissioner or audience member requested any items to be removed from the Non-Hearing Consent Agenda for separate consideration.

Schmidt moved, Hoffman seconded, and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 23 in accordance with the staff recommendations with the exception of Items 5, 13, and 18. (7 to 0 with Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

1. Approval of the October 10, 2002 Planning Commission Meeting Minutes.

2. No. 02AN007 - Neff Subdivision

A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on a parcel of land located in the previously unplatted portion of the NW1/4 of the SW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota; described by metes and bounds as commencing at the 1/4 corner common to Sections 3 and 4, T1N, R8E, BHM. Said corner being marked by a rebar with survey cap marked LS 1771, thence South 52°31'58" East a distance of 1093.41 feet to the Point of Beginning; continuing from the Point of Beginning; thence South 00°12'42" West a distance of 662.60 feet; thence North 89°42'42" West a distance of 362.69 feet; thence North 00°05'41" East a distance of 314.08 feet; thence North 89°33'05" West a distance of 165.99 feet; thence North 00°13'30" East a distance of 347.44 feet; thence South 89°46'40" East a distance of 529.24 feet; returning to the Point of Beginning, more generally described as being located in the cul-de-sacs at the west end Sweetbriar Street and Avenue A.

Planning Commission recommended that the Resolution for Annexation be approved contingent on payment of the necessary reimbursement to the Rapid Valley Fire District.



3. No. 02AN010 - Section 9, T1N, R8E

A request by the City of Rapid City and the South Dakota Department of Transportation to consider an application for a **Petition for Annexation** on legally described as the balance of Tract A in the E1/2 SW1/4 and the W1/2 SE1/4, Lot 2 of Tract A of the NE1/4 SW1/4, Orchard Lane in the NE1/4 SW1/4, Lot H1 in Tract A in the E1/2 SW1/4 and the W1/2 SE1/4, Lot H1 in Lot 1 of the Well Addition in the SW1/4, Lot H1 in the N1/2 SE1/4 NW1/4, Lot H2 in the N1/2 SW1/4 NE1/4 lying south and west of SD Highway 44 and railroad right-of-way, Lot H5 in the NE1/4 NW1/4 lying south and west of SD Highway 44, and Lot H2 in the NW1/4 NE1/4 lying south and west of SD Highway 44 and railroad right-of-way, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of SD Highway 44 East and South Valley Drive.

Planning Commission recommended that the Petition for Annexation be continued to the November 7, 2002 Planning Commission meeting to obtain additional signatures on the Petition for Annexation.

4. No. 02PL029 - Murphy Ranch Estates

A request by Davis Engineering to consider an application for a **Preliminary and Final Plat** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Reservoir Road and Longview Drive.

Planning Commission recommended that the Preliminary and Final Plat be continued to the November 7, 2002 Planning Commission meeting to allow the applicant to submit additional information.

6. No. 02PL047 - Pine View Terrace

A request by Wyss Associates, Inc. to consider an application for a **Layout Plat** on Lots 1 thru 22, Block 1; Lots 1 thru 4, Block 2; Lot 1 thru 18, Block 3; Pine View Terrace, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 2; Tract 4 less Lot H1, Pine View Terrace, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of Southwest Middle School, 4501 Park Drive.

Planning Commission recommended that the Layout Plat be continued to the November 7, 2002 Planning Commission meeting at the applicant's request.

7. No. 02PL051 - Profession Plaza Subdivision

A request by CSU Properties, LLC to consider an application for a **Preliminary and Final Plat** on Lot 1 of Professional Plaza Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot RU-9A, Lots 1 thru 4 of Block 6, Lot 16 and the west 9.77 feet of Lot 15 in Block 7, and adjacent vacated 4th Street R.O.W. and 1/2 vacated adjacent alley in Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located the southeast corner of the intersection of 5th Street and North Street.



Planning Commission recommended that the Preliminary and Final Plat be continued to the November 7, 2002 Planning Commission meeting to allow the applicant time to submit the required additional information.

8. No. 02PL052 - Section 19, T1N, R8E

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for a **Layout Plat** on GL 1-2 Less ROW, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Catron Boulevard and east of proposed future 5th Street.

Planning Commission recommended that the Layout Plat be continued to the November 21, 2002 Planning Commission meeting at the applicant's request.

9. No. 02PL056 - Devine Subdivision

A request by Renner & Sperlich for J&J Truck & Auto Body to consider an application for a **Preliminary Plat** on Lots 1 and 2 of Devine Subdivision located in the SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B of the SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Less Lot H1 of Tract B of the SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the southeast corner of the intersection of Cambell Street and Philadelphia Street.

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

Engineering Division Recommendations:

1. **Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to show additional drainage easements as needed;**
2. **Prior to Preliminary Plat approval by the City Council, revised water and sewer plans shall be submitted for review and approval. In addition, the plat document shall be revised to show additional utility easements as needed;**
3. **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;**
4. **Prior to Final Plat approval by the City Council, the plat document shall be revised to show a non-access easement along Cambell Street except for the approved approach location;**
5. **Prior to Final Plat approval by the City Council, the plat document shall be revised to show ten additional feet of right-of-way along Cambell Street;**
6. **Prior to Final Plat approval by the City Council, the plat document shall be revised to show 23 additional feet of right-of-way along Philadelphia Street with the exception of the area currently occupied by existing building(s);**

Fire Department Recommendations:



7. **The Uniform Fire Code shall be continually met;**
Emergency Services Communication Center Recommendation:
 8. **Prior to Final Plat approval by the City Council, the plat title shall be revised to delete “located in” and the following shall be included in the “formerly” description: SW1/4 SW1/4, Section 32, T2N, R8E, BHM”;**
Urban Planning Division Recommendations:
 9. **Prior to Final Plat approval by the City Council, the structure located on proposed Lot 2 shall be removed or a Variance to reduce the front yard setback from 35 feet to 8.5 feet shall be obtained or surety shall be posted to insure that the setback issue is addressed as identified;**
 10. **Prior to Final Plat approval by the City Council, documentation shall be submitted indicating that Black Hills Power concurs with the proposed relocation of the 50 foot wide right-of-way utility easement;**
 11. **Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement with the City stating that if the building or that portion of the building located within the north 23 feet of proposed Lot 2 is ever removed, the applicant shall dedicate the area as public right-of-way;**
 12. **Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;**
 13. **Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
South Dakota Department of Transportation Recommendation:
 14. **Prior to Final Plat approval by the City Council, an Approach Permit for the Cambell Street access shall be obtained;**
10. **No. 02PL070 - Meadows Subdivision**
A request by Dream Design International, Inc. to consider an application for a **Preliminary and Final Plat** on Lot 2 Block 7, Lots 8 through 20 Block 8, and Lots 1 through 13 Block 9, Meadows Subdivision, located in the SE1/4 of the SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County South Dakota, legally described as Tract 1 of Parcel C of MJK Subdivision located in the E1/4 of The SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the future extension of Field View Drive west of the Dakota Ridge Subdivision.
- Planning Commission recommended that the Preliminary and Final Plat be continued to the November 7, 2002 Planning Commission meeting to allow staff time to review the information submitted on October 15, 2002.**
11. **No. 02PL080 - Grimm Addition**
A request by Davis Engineering, Inc. for Robert and Donald Grimm to consider an application for a **Preliminary and Final Plat** on Lot 4 of Grimm Addition and dedicated Creek Drive Right-of-Way all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of Tract B of Government Lot 3 in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Highway 44 and east of Cambell Street at Creek Drive.



Planning Commission recommended that the Preliminary and Final Plat be continued to the November 7, 2002 Planning Commission meeting to the applicant time to submit additional required information.

12. No. 02PL083 - Neff Subdivision II

A request by Dream Design International, Inc. to consider an application for a **Preliminary and Final Plat** on Lots 1 thru 4, Block 1, Lots 1 thru 9, Block 2, and Outlot A and Dedicated Streets, Neff Subdivision II, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NW1/4 of the SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the cul-de-sacs at the west end Sweetbriar Street and Avenue A.

Planning Commission recommended that the Preliminary and Final Plat be continued to the November 7, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.

14. No. 02PL093 - Murphy Ranch Estates

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

Planning Commission recommended that the Layout, Preliminary and Final Plat be continued to the November 21, 2002 Planning Commission meeting to allow the applicant to submit revised and/or additional information.

15. No. 02PL094 - Estes Subdivision

A request by D.C. Scott Co. Land Surveyors for Thomas Estes to consider an application for a **Layout Plat** on Lot 2R and Lot 4R2 of Estes Subdivision; located in the W1/2 SW1/4 NW1/4 and W1/2 NW1/4 SW1/4 of Section 15, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 2, Lot 4 Revised, and unplatted land; located in the W1/2 SW1/4 NW1/4 and W1/2 NW1/4 SW1/4 of Section 15, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located approximately 2.3 miles south of Reptile Gardens on Aero Road.

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

Engineering Division Recommendations:

1. **Upon Preliminary Plat submittal, a water plan shall be submitted for review and approval. In particular, the use of on-site well(s) and/or a community water source shall be identified and submitted for review and**

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approval. In addition, the on-site well(s) and/or community water source shall be reviewed and approved by the South Dakota Department of Environment and Natural Resources;

2. Upon Preliminary Plat submittal, percolation test(s) and soil profile information representative of the site shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainfield easement(s) on each lot;
3. Upon Preliminary Plat submittal, the plat shall be revised to show an eight foot wide utility easement along all lot lines;
4. Upon submittal of a Preliminary Plat, topographic information shall be submitted for review and approval;
5. Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted for that portion of Aero Road located within the City's three mile platting jurisdiction. The design plans shall show the location of utilities, storm drainage, curb and gutter, street light conduit and dry sewer and water or a Variance to the Subdivision Regulations shall be obtained;
6. Upon submittal of the Preliminary Plat, Aero Road shall be redesigned to meet the minimum design standards for a cul-de-sac roadway which shall not exceed 1,200 feet in length with a turnaround at the closed end and an intermediate turnaround(s) at intervals not to exceed 600 feet or a Special Exception to the Street Design Criteria Manual shall be obtained;
7. Upon submittal of the Preliminary Plat, the plat shall be revised to show Aero Road as "dedicated right-of-way" in lieu of a "roadway easement";
8. Upon submittal of the Preliminary Plat, that portion of the section line highway located within the City's three mile platting jurisdiction shall be built to City street design standards or a Variance to the Subdivision Regulations shall be obtained waiving the requirement to improve the section line highway or the section line highway shall be vacated;

Fire Department Recommendation:

9. Prior to Preliminary Plat approval by the City Council, the applicant shall submit a Wild Land Fire Mitigation Plan for review and approval. In addition, the Wild Land Fire Mitigation Plan shall be implemented prior to Final Plat approval by the City Council;

Register of Deed's Office Recommendation:

10. Prior to Final Plat approval by the City Council, the plat title shall be revised to read "Lot 2R and Lot 4R2 of Estes Subdivision (Formerly Lot 2 and Lot 4 Revised of Estes Subdivision and unplatted land in W1/2NW1/4SW1/4, Section 15, T1S, R7E);

Urban Planning Division Recommendations:

11. Prior to Final Plat approval by the City Council, a subdivision estimate form for that portion of the improvements located within the City's three mile platting jurisdiction shall be submitted for review and approval; and
12. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements located within the City's three mile platting jurisdiction that have not been completed shall be posted and the



subdivision inspection fee shall be paid.

16. No. 02PL099 - Aladdin Heights Subdivision

A request by Jim Heald for Oliver and Mary Freimark to consider an application for a **Layout Plat** on Lot 1R and 3R, Block 3, Aladdin Heights Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 thru 3, Block 3, Aladdin Heights Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 1/2 mile south of the water tower on US Highway 16.

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

Engineering Division Recommendations:

1. Upon Preliminary Plat submittal, a grading plan and geotechnical information shall be submitted for review and approval;
2. Upon Preliminary Plat submittal, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed;
3. Upon Preliminary Plat submittal, a revised structural site plan shall be submitted for review and approval. In particular, the site plan shall show the mobile home and the pole sign currently located on proposed Lot 1R as well as the approaches, parking lot(s) and interior circulation;
4. Upon Preliminary Plat submittal, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval;
5. Upon Preliminary Plat submittal, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval;
6. Upon Final Plat approval, the existing on-site water and/or wastewater systems shall be abandoned and City sewer and water shall be extended to serve the subject property;
7. Upon Preliminary Plat submittal, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete design plans showing utilities, storm drainage, curb and gutter, sidewalk and sewer and water lines shall be submitted for review and approval;
8. Upon Preliminary Plat submittal, road construction plans for Northview Drive providing a minimum 27 foot wide paved surface meeting the minimum standards of a sub-collector road with parking on two sides shall be submitted for review and approval;
9. Upon Preliminary Plat submittal, road construction plans for Silver Nugget Drive providing a minimum 24 foot wide paved surface meeting the minimum standards of a lane/place road with parking on two sides shall be submitted for review and approval;
10. Upon Preliminary Plat submittal, the plat document shall be revised to show a local road connection to the north. In particular, complete design plans providing a minimum 49 foot wide right-of-way with a 24 foot wide

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paved surface, storm drainage, curb and gutter, sidewalk and sewer and water lines shall be submitted for review and approval;

Fire Department Recommendation:

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

Code Enforcement Recommendation:

12. Prior to Final Plat submittal, the concrete rubble, building material(s) and debris located on proposed Lot 3R shall be removed. In addition, the pole sign currently located in the U.S. Highway 16 right-of-way shall be removed or a Right-of-way Permit allowing the sign in the right-of-way shall be obtained from the South Dakota Department of Transportation;

Urban Planning Division Recommendations:

13. Prior to Final Plat approval, the mobile home(s) shall be removed from the subject property;
14. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
15. 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.

17. **No. 02PL101 - Carlin Subdivision**

A request by D.C. Scott Co., Land Surveyors for Joe Carlin to consider an application for a **Layout Plat** on Lot 12, Lot 13 and Lot 14 of Carlin Subdivision located in the NW1/4 SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the north 33 feet of the west 578.59 feet of the NW1/4 SE1/4; the south 125 feet of the north 158 feet of the west 354.46 feet of the NW1/4 SE1/4; and, the W1/2 NW1/4 SE1/4 less Carlin Subdivision and right-of-way and less the north 125 feet of the south 516.34 feet of the west 354.46 feet of the NW1/4 SE1/4 and less the north 125 feet of the south 641.34 feet of the west 354.46 feet of the NW1/4 SE1/4 and less the north 125 feet of the south 391.34 feet of the west 354.46 feet of the NW1/4 SE1/4 and less the north 33 feet of the west 578.59 feet of NW1/4 SE1/4 and less the south 125 feet of the north 158 feet of the west 354.46 feet of the NW1/4 SE1/4; all located in Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located west of Carlin Drive and north of Longview Drive.

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

Engineering Division Recommendations:

1. Upon Preliminary Plat submittal, a water plan shall be submitted for review and approval. In particular, the use of on-site well(s) and/or a community water source shall be identified and submitted for review and approval. The plat document shall also be revised to show utility easement(s) as necessary. In addition, the on-site well(s) and/or community water source shall be reviewed and approved by the South Dakota Department of Environment and Natural Resources;



2. Upon Preliminary Plat submittal, percolation test(s) and soil profile information representative of the site shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainfield easement(s) on each lot;
3. Upon Preliminary Plat submittal, a structural site plan shall be submitted for review and approval. In addition, any existing on-site water and/or wastewater systems shall be shown. The site plan shall also show the location of existing utilities (i.e., cable, electric, telephone, etc.);
4. Upon Preliminary Plat submittal, topographic information shall be submitted for review and approval;
5. Upon Preliminary Plat submittal, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;
6. Upon Preliminary Plat submittal, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted for the 50 foot wide access and utility easements serving proposed Lots 13 and 14 and that portion of Carlin Street that abuts proposed Lot 12. The design plans shall show the location of utilities, sidewalks, storm drainage, curb and gutter, street light conduit and dry sewer and water or a Variance to the Subdivision Regulations shall be obtained;
7. Upon Preliminary Pat submittal, complete street design plans shall be submitted for review and approval for the collector road located along the north lot line of proposed Lot 12 as identified on the Major Street Plan or a Variance to the Subdivision Regulations shall be obtained or the Major Street Plan shall be amended to eliminate and/or relocate the collector road;
8. Upon Preliminary Plat submittal, the road located along the south lot line of Lot 1 Revised currently serving as access to proposed Lot 14 shall be dedicated as public right-of-way and complete street design plans shall be submitted for review and approval or the road shall be abandoned and/or closed prior to Final Plat approval;
9. Upon Preliminary Plat submittal, geotechnical analysis for pavement design(s) shall be submitted for review and approval;
10. Upon Preliminary Plat submittal, the access and utility easements shall be dedicated as public right-of-way or a Special Exception to the Street Design Criteria Manual shall be granted to allow an easement to serve as access to more than four lots;

Fire Department Recommendation:

11. Upon Preliminary Plat submittal, road construction plans for the access and utility easements shall be submitted for review and approval showing the provision for emergency fire apparatus turnaround(s) at the terminus of the easement(s);

Pennington County Drainage Engineer Recommendation:

12. Upon Preliminary Plat submittal, the proposed plat shall be submitted to the Hawthorne Irrigation Ditch Company for review and approval. In particular, the Hawthorne Irrigation Ditch Company shall review and

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approve of the size, type and location of any culvert and/or structure located within the easement;

Emergency Services Communication Services Recommendation:

13. Upon Preliminary Plat submittal, the plat document shall be revised to show Carlin Drive as Carlin Street;

Urban Planning Division Recommendations:

14. Prior to Final Plat approval, a road maintenance agreement for the access and utility easement(s) shall be submitted for review and approval;

15. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,

16. 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.

19. No. 02RD007 - Signal Heights and Signal Heights #2

A request by the City of Rapid City to consider an application for a **Resolution renaming Estes Court to Estes Park Court** on the right-of-way adjacent to Lot 11 Revised, Block 2, Signal Heights and Lot 1 Revised, Block 3, Signal Heights and Tract 3 Revised, Signal Heights #2, all located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Crescent Drive and Estes Court.

Planning Commission recommended that the Resolution renaming Estes Court to Estes Park Court be approved.

20. No. 02SR011 - Section 6, T1N, R8E

A request by Ron Buskerud for Pennington County to consider an application for an **11-6-19 SDCL Review to allow for the construction of a public building and related improvements** on the E1/2 of the NE1/4 of the SW1/4 of the NE1/4 and NW1/4 of the NE1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the Pennington County Fairgrounds.

Planning Commission recommended that the 11-6-19 SDCL Review to allow for the construction of a public building and related improvements be continued to the November 21, 2002 Planning Commission meeting to allow the applicant to submit additional information.

21. No. 02SR017 - Rapid City Greenway Tracts

A request by the City of Rapid City to consider an application for an **11-6-19 SDCL Review to allow park improvements including permanent and temporary structures** on Tract 28, Rapid City Greenway Tract, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 141 E Omaha Street.

Planning Commission recommended that the 11-6-19 SDCL Review to allow park improvements including permanent and temporary structures be continued to the November 7, 2002 Planning Commission meeting to allow the applicant to

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submit additional information.

22. No. 02SR018 - Rapid City Greenway Tract

A request by Bryan Schnell for Canyon Lake Little League to consider an application for an **11-6-19 SDCL Review to allow park improvements including structures** on Tract 8 of Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1610 32nd Street.

Planning Commission recommended that the 11-6-19 SDCL Review to allow park improvements including structures be continued to the November 7, 2002 Planning Commission meeting.

23. No. 02SR020 - Madison's Subdivision

A request by FMG, Inc. for Bill Freytag to consider an application for an **11-6-19 SDCL Review to allow the construction of a street in public right-of-way** on Lots 12 and 13, Madison's Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the 4200 block of Haines Avenue.

Planning Commission recommended that the 11-6-19 SDCL Review to allow the construction of a street in public right-of-way be approved with the following stipulations:

Engineering Division Recommendations:

1. **The road construction plans shall include the extension of water, sanitary sewer and storm sewer;**
2. **Prior to the start of construction, all red line revisions to the road construction plans shall be completed and submitted for review and approval; and,**

Air Quality Division Recommendation:

3. **An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre.**

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

5. No. 02PL032 - Huffman Subdivision

A request by Renner & Sperlich Engineering Co. for Wilburn-Powers, Inc. to consider an application for a **Preliminary Plat** on Lot 3 of Huffman Subdivision located in the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 3 and 4 of the NW1/4 of the SW1/4 of Section 32 less Lot H1 of Lots 3, 4, 5 & 6 of the NW1/4 of the SW1/4 of Section 32, and the unplatted portion of the NW1/4 of the SW1/4 of Section 32 and the existing 16 foot wide alley located in the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Cambell Street and between US Highway 14 & 16 and East Philadelphia Street.

Elkins explained that the applicant has requested that the Preliminary Plat be denied without prejudice.



Hoffman moved, Stone seconded and unanimously carried to recommend that the Preliminary Plat be denied without prejudice. (7 to 0 with Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

13. No. 02PL089 - Schamber Addition

A request by Renner & Sperlich Engineering for Robert Martin, P.C. to consider an application for a **Layout Plat** on Lots A, B, C and D of Schamber Addition, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 16 thru 20, Block 3 of Schamber Addition, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1903 and 1915 Rushmore Street.

Elkins advised that the applicant has indicated to staff that he would like to withdraw his application for a Layout Plat. She added that the applicant has not submitted the request in writing and suggested that the Planning Commission deny the Layout Plat without prejudice.

Hoffman moved, Stone seconded and unanimously carried to recommend that the Layout Plat be denied without prejudice. (7 to 0 with Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

18. No. 02PL103 - Deadwood Avenue Business Park

A request by Fisk Land Surveying for Dan O'Brien to consider an application for a **Layout Plat** on Lots 1, 2 and 3 of Deadwood Avenue Business Park, located in the NE1/4 NW1/4 of Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 10A of Lot 10 of Tract E of Deadwood Avenue Tract located in the NE1/4 NW1/4 of Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1141 and 1161 Deadwood Avenue.

Elkins advised that based on recent discussions between the Engineering staff and the applicant, staff is recommending that the Layout Plat be approved with revised stipulations.

Stone moved, Schmidt seconded and unanimously carried to recommend that the Layout Plat be approved with the following stipulations:

Engineering Division Recommendations:

- 1. A drainage plan for the site shall be submitted with the Preliminary Plat submittal. The Preliminary Plat shall include all drainage easements to show drainage directed towards rights of way without adverse impacts to the adjoining properties;**
- 2. Prior to Preliminary Plat approval, the sanitary sewer extending along Plant Street shall be reviewed to determine the feasibility of extending the service to the south property line;**

Urban Planning Division Recommendations:

- 3. Existing floor plans for all structures located on the subject property shall be submitted with the Preliminary Plat application. The site plan shall**

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- demonstrate adequate parking for all structures on the proposed lot they will be located on, or parking easements shall be delineated on the plat;
4. Existing landscaping plans for each of the proposed lots at the subject property shall be submitted with the Preliminary Plat application documenting that all required landscaping requirements will be met for each proposed lot; and,
 5. An additional 20 feet of right of way along the south side of Lien Street shall be dedicated prior to Preliminary Plat approval, or a Variance to Chapter 16.12 of the Subdivision Regulations shall be obtained. (7 to 0 with Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

Wevik read the Hearing Consent Agenda into the record 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 29 and 35 be removed from the Hearing Consent Agenda for separate consideration. Schmidt requested that Item 30 be removed from the Hearing Consent Agenda for separate consideration.

Schmidt moved, Hoffmann seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 24 thru 40 in accordance with the staff recommendations with the exception of Items 29, 30 and 35. (7 to 0 with Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

24. No. 02CA040 - Tower Ridge Subdivision
Comprehensive Plan Amendment - **Summary of Adoption Action** - to change the future land use designation on a 0.1468 acre parcel from General Commercial to Office Commercial with a Planned Commercial Development on property described by metes and bounds as follows: Point of Beginning: the Southeast corner of the Aladdin Heights Subdivision; thence South 89°58'26" West a distance 12.49 feet along the South line of the Aladdin Heights Subdivision; thence North 50°22'03" West a distance of 94.20 feet; thence North 46°14'08" East a distance of 117.77 feet; thence South 00°00'32" West a distance of 141.54 feet along the East line of the Aladdin Heights Subdivision; returning to the Point of Beginning, located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Highway 16 and 1/4 mile north of Catron Boulevard.

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

25. No. 02CA041 - Tower Ridge Subdivision
Comprehensive Plan Amendment - **Summary of Adoption Action** - to change the future land use designation on a .3409 acre parcel from Office Commercial with Planned Commercial Development to General Commercial on property described by metes and bounds as commencing at the Southeast corner of the Aladdin Heights subdivision; thence North 00°00'32" East a distance of 141.54 feet along the East line



of the Aladdin Heights Subdivision to the Point of Beginning; continuing at the Point of Beginning; thence North 00°00'32" East a distance of 196.48 feet along the East line of the Aladdin Heights Subdivision; thence South 71°06'54" East a distance of 159.73 feet; thence South 46°14'08" West a distance of 209.31 feet; returning to the Point of Beginning; located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Highway 16 and 1/4 mile north of Catron Boulevard.

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

26. No. 02CA042 - Tower Ridge Subdivision

Comprehensive Plan Amendment - **Summary of Adoption Action** - to change the future land use designation on a 0.0634 acre parcel from General Commercial to Office Commercial with a Planned Commercial Development on property described by metes and bounds as commencing at the Southeast corner of Aladdin Heights Subdivision; thence South 89°58'26" West a distance of 93.96 feet along the South line of the Aladdin Heights Subdivision to the Point of Beginning; thence South 89°58'26" West a distance of 85.92 feet along the South line of the Aladdin Heights Subdivision; thence North 07°20'48" East a distance of 64.86 feet; thence South 50°22'03" East a distance of 100.79 feet returning to the Point of Beginning; located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Highway 16 and 1/4 mile north of Catron Boulevard.

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

27. No. 02CA043 - Tower Ridge Subdivision

Comprehensive Plan Amendment - **Summary of Adoption Action** - to change the future land use designation on a .5099 acre parcel from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development and a .6149 acre parcel from General Commercial to General Commercial with a Planned Commercial Development on property described by metes and bounds as commencing at the Southeast corner of Aladdin Heights Subdivision; thence South 89°58'27" West a distance of 179.88 feet along the south line of Aladdin Heights Subdivision to the Point of Beginning; continuing at the Point of Beginning; thence South 07°20'48" West a distance of 460.81 feet; thence North 62°14'17" West a distance of 8.95 feet; thence North 51°24'29" West a distance of 48.67 feet; thence North 07°20'48" East a distance of 426.02 feet to the South line of Aladdin Heights Subdivision; thence 89°58'27" East a distance of 50.41 feet along the South line of the Aladdin Heights Subdivision; returning to the Point of Beginning; and, commencing at the Southeast corner of Aladdin Heights Subdivision; thence South 89°58'27" West a distance of 179.88 feet; to the Point of Beginning continuing at the Point of Beginning; thence North 07°20'48" East a distance of 64.86 feet; thence North 50°22'03" West a distance of 92.73 feet; thence Northwesterly 58.28 feet along a curve concave Northeasterly having a radius of 226.00 feet said curve having a chord direction of North 42°58'47" West; thence North 35°35'32" West a distance of 26.02 feet; thence South 54°24'28" West a distance of 80.79 feet; thence South 07°20'48"

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West a distance of 141.20 feet; thence South 89°58'20" East a distance of 201.64 feet; returning to the Point of Beginning; located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Highway 16 and 1/4 mile north of Catron Boulevard.

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

28. No. 02CA044 - Tower Ridge Subdivision

Comprehensive Plan Amendment - **Summary of Adoption Action** - to change the future land use designation on a 0.6160 acre parcel from General Commercial to General Commercial with a Planned Commercial Development on property described by metes and bounds as commencing at the Southeast corner of Aladdin Heights Subdivision; thence South 89°58'27" West a distance of 381.52 feet along the South line of the Aladdin Heights Subdivision; to the Point of Beginning; continuing from the Point of Beginning; thence North 07°20'48" East a distance of 141.20 feet; thence North 54°24'28" East a distance of 80.79 feet; thence North 35°35'32" West a distance of 40.00 feet; thence south 54°24'28" West a distance of 342.32 feet; thence North 83°07'59" West a distance of 31.30 feet; thence South 07°20'03" West a distance of 24.17 feet; thence South 89°58'27" East a distance of 252.05 feet; returning to the Point of Beginning; located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Highway 16 and 1/4 mile north of Catron Boulevard.

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

**31. No. 02PD047 - Section 3, T1N, R8E

A request by the City of Rapid City to consider an application for a **Planned Development Designation** on the east 710 feet of NE1/4 NE1/4 less a parcel of land 400 feet by 400 feet in the northeastern most corner of the NE1/4 of Section 3, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Degeest Street.

Planning Commission recommended that the hearing on the request for a Planned Development Designation be continued to the November 7, 2002 Planning Commission meeting.

32. No. 02RZ052 - Section 3, T1N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to Office Commercial District** on the east 710 feet of NE1/4 NE1/4 less a parcel of land 400 feet by 400 feet in the northeastern most corner of the NE1/4 of Section 3, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Degeest Street.

Planning Commission recommended that the hearing on the request for a rezoning from No Use District to Office Commercial District be continued to the



November 7, 2002 Planning Commission meeting.

33. No. 02RZ058 - Section 3, T1N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** on the east 948 feet of SE1/4 NW1/4 less Lot 1, Block 14, Big Sky Subdivision and less the eastern 38 feet of DeGeest Street right-of-way adjacent to Lot 1, Block 14, Big Sky Subdivision, and the south 480 feet of the SW1/4 NE1/4, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Degeest Street.

Planning Commission recommended that the hearing on the request for a rezoning from No Use District to Low Density Residential District be continued to the November 7, 2002 Planning Commission meeting.

**34. No. 02PD052 - Original Town of Rapid City

A request by William Stott, AIA for Savage and Palandri Architects to consider an application for a **Planned Commercial Development - Initial Development Plan** on Lots 1 thru 11, Block 115, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located the southwest corner of 5th Street and Quincy Street.

Planning Commission recommended that the hearing on the request for a Planned Commercial Development - Initial Development Plan be continued to the November 7, 2002 Planning Commission meeting to allow the applicant to submit a revised site plan.

**36. No. 02PD059 - Cleary Subdivision

A request by Dave Fisk for Black Hills Equestrian Center to consider an application for a **Planned Unit Development - Final Development Plan** on Lots A thru C of Cleary Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located approximately one half mile east of the intersection of U.S. Highway 16 and U.S. Highway 16 B.

Planning Commission recommended that the hearing on the request for a Planned Unit Development - Final Development Plan be continued to the November 7, 2002 Planning Commission meeting to allow the applicant to submit additional information.

**37. No. 02PD062 - Boulevard Addition

A request by Joel Schwiesow to consider an application for a **Planned Residential Development to allow for a Day Care Center in a High Density Residential District** on Lots 8 thru 12, Block 24, Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1010 9th Street.

Planning Commission recommended that the hearing on the request for a Planned Residential Development to allow for a Day Care Center in a High Density Residential District be continued to the November 7, 2002 Planning



Commission meeting.

38. No. 02RZ060 - Section 17, T1N, R7E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on Lot B of SW1/4 SW1/4 and Lot A of SE1/4 SW1/4 of Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of SD Highway 79 South and north of Folsom Road.

Planning Commission recommended that the hearing on the request for a rezoning from No Use District to General Agriculture District be approved.

39. No. 02SE004 - Section 19, T1N, R8E

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for a **Special Exception to allow curbside sidewalks in lieu of property line sidewalks as required by Section 7.5 of the Street Design Criteria Manual** on the SW1/4 NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Catron Boulevard and east of proposed future 5th Street.

Planning Commission recommended that the hearing on the request for a Special Exception to allow curbside sidewalks in lieu of property line sidewalks as required by Section 7.5 of the Street Design Criteria Manual be continued to the November 21, 2002 Planning commission meeting at the applicant's request.

**40. No. 02UR026 - Moon Ridge Subdivision

A request by Colleen Oslund for TSP Three, Inc. to consider an application for a **Conditional Use Permit to allow a church in the Medium Density Residential District** on Lot 1 of Moon Ridge Subdivision, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of US Highway 16 and Moon Meadows Road.

Planning Commission recommended that the Conditional Use Permit to allow a church in the Medium Density Residential District be approved with the following stipulations:

Engineering Division Recommendations:

1. **All required subdivision improvements shall be submitted on a site plan and approved prior to issuance of a building permit;**
2. **Utility Plans shall be submitted and approved prior to issuance of a building permit;**
3. **All sight triangle requirements must be continually met including American Association of State Highway and Transportation Officials requirements;**
4. **The applicant shall submit a site drainage plan showing design and construction in accordance with the Renner and Sperlich Drainage Study Prepared for this site prior to building permit issuance;**
5. **Prior to the construction of the proposed future east access drive, a**

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revised site plan shall be submitted showing a minimum separation of 115 feet between the proposed future east access drive and Moon Meadows Road easement;

Fire Department Recommendations:

6. The applicant shall submit a site plan showing adequate access for all emergency vehicles and fire apparatus prior to issuance of building permit;
7. The applicant shall submit a site plan showing fire hydrants as required by the City of Rapid City and the Uniform Fire Code;
8. All fire hydrants servicing the site shall be in place and operational prior to any building construction;
9. All weather access shall be in place prior to any building construction;
10. The applicant shall submit a site plan showing all streets, driveways, accesses, turnarounds and turning radii complying with the City Street Design Criteria manual and accommodate all Fire Department apparatus prior to issuance of a building permit;
11. The building shall be fully fire sprinklered and fire alarmed as per the Uniform Fire Code and NFPA standards;
12. Lot addresses shall be posted prior to or in conjunction with building construction;
13. No Building Permit, including a footings and foundations permit, shall be issued until City water is extended to property. However, the footings and foundations permit may be issued at the discretion of the Fire Chief depending upon the status of construction;

Air Quality Division

14. If an acre or more of land surface is disturbed the applicant shall apply for an Air Quality Permit;

Building Inspection Division:

15. The applicant shall submit complete architectural plans prior to issuance of a building permit;

Urban Planning Division Recommendations:

16. The applicant shall submit a signage plan prior to issuance of a building permit; and
17. The applicant shall comply with the City of Rapid City Municipal Code at all times.

---END OF HEARING CONSENT CALENDAR---

29. **No. 02CA046 - Feigels West Addition**

A request by the City of Rapid City for Gail Miller to consider an application for an **Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Future Land Use Plan to change the future land use designation on a 2.5 acre parcel from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development** on property described by metes and bounds as beginning at the northwest corner of Lot A of Feigels West Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; thence N01°37'47"W a distance of 74.05 feet to the Point of Beginning; thence N01°37'47"W along the east right-of-way line of Lacrosse Street a



distance of 679.45 feet to the northwest corner of Feigels West Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; thence N88°47'13"E a distance of 151.73 feet along the south right-of-way line of East New York Street; thence S01°37'47"E a distance of 169.28 feet; thence S00°23'33"W a distance of 146.31 feet; thence S17°10'22"E a distance of 215.61 feet; thence S02°24'02"W a distance of 31.68 feet; thence S48°03'13"W a distance of 164.79 feet; thence S75°54'41"W a distance of 78.31 feet to the Point of Beginning, more generally described as being located along the east side of Lacrosse Street between E. New York Street and the extension of East St. Louis Street.

Elkins advised that the staff report distributed on the dais has been revised to reflect that the Future Land Use Committee recommends that the Amendment to the Comprehensive Plan be approved.

Hoffman moved, Schmidt seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Future Land Use Plan to change the future land use designation on a 2.5 acre parcel from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development be approved. (7 to 0 with Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

****30. No. 02PD025 - Original Town of Rapid City**

A request by CSU Properties, LLC to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot RU-9A, Lots 1 thru 4 of Block 6, Lot 16 and the west 9.77 feet of Lot 15 in Block 7, and adjacent vacated 4th Street R.O.W. and 1/2 vacated adjacent alley in Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located the southeast corner of the intersection of 5th Street and North Street.

Schmidt asked for clarification regarding the additional required information regarding the noise generated by the air handling units.

The Planning Commission discussed examples of HVAC equipment sound evaluations, establishing a sound ordinance in Rapid City, sound criteria used by the City of Sioux Falls and acceptable decibel levels in commercial and residential districts.

Brian Utzman, attorney for CSU Properties, reviewed the status of the utility easement for the proposed sanitary sewer main and the additional information required regarding the air handling units and the revised landscaping plan.

Schmidt moved, Stone seconded to recommend that the hearing on the request for a Planned Commercial Development - Initial and Final Development Plan be continued to the November 7, 2002 Planning Commission meeting to allow the applicant time to submit the required information regarding the noise generated by the air handling units and a revised landscaping plan. (7 to 0 with Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)



****35. No. 02PD057 - Robbinsdale Addition No. 10**

A request by Williams and Associates Architecture, Inc. for Black Hills Surgery Center, LLP to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot 2R of Block 28, Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Fifth Street and Anamaria Drive.

Fisher reviewed the sound data that was submitted Wednesday, October 23, 2002 and placed on the dais for Planning Commission review. She also reviewed staff's recommendation and the stipulations of approval.

Dave Meyer, area resident, expressed concerns with the noise generated from the HVAC equipment on the building across the street from the MRI building proposed for expansion as part of this application.

Elkins advised that staff recently met with the developer and discussed noise issues. She explained that part of the problem was found to be carpet cleaners working between midnight and 4:00 a.m. She added that the developer planned to review options and alternative times to clean the carpets. Elkins suggested that Meyer meet with Fisher to discuss in more detail his concerns regarding the noise generated from the air handling unit at the Surgery Center located across the street from the MRI building.

Hoffman moved, Stone seconded and unanimously carried to recommend that the Major Amendment to a Planned Commercial Development be approved with the following stipulations:

Engineering Division Recommendations:

1. **Prior to issuance of a building permit, a grading and drainage plan for the proposed additions(s) shall be submitted for review and approval;**
2. **Prior to issuance of a building permit, water and sewer line plans and profiles shall be submitted for review and approval;**

Fire Department Recommendations:

3. **The proposed additions shall be fully fire alarmed and fire sprinklered. In addition, the plans for the fire alarm(s) and fire sprinklered system shall be submitted to the Fire Department for review and approval prior to installation;**
4. **Prior to issuance of a building permit, the site plans shall be revised to show an additional fire hydrant located on the south or west side of the building;**

Urban Planning Division Recommendations:

5. **All previous conditions of approval for Final Commercial Development #1552 and the subsequent Major Amendment to the Planned Commercial Development #01PD023 shall be continually met;**
6. **The proposed additions(s) shall conform architecturally to the plans and elevations submitted as part of this Major Amendment to the Planned Commercial Development;**
7. **Prior to issuance of a building permit, the parking plan shall be revised to**



- show a minimum of five handicap parking spaces with one of the handicap spaces being van accessible; and,
8. **Prior to Planning Commission approval, complete information regarding the air handling equipment shall be submitted for review and approval. . (7 to 0 with Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)**

---BEGINNING OF REGULAR AGENDA ITEMS---

Wall requested that items 41 thru 43 be considered concurrently.

41. No. 02PL102 - Sunset Heights Subdivision
A request by Doug Sperlich for Jeff Stone to consider an application for a **Final Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current terminus of Broadmoor Drive.
42. No. 02SV040 - Sunset Heights Subdivision
A request by Doug Sperlich for Jeff Stone to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalks** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current terminus of Broadmoor Drive.
43. No. 02VR005 - Sunset Heights Subdivision
A request by Doug Sperlich for Jeff Stone to consider an application for a **Vacation of Right-of-Way** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current terminus of Broadmoor Drive.

Elkins advised that Items 41 thru 43 were removed from the Consent Calendar to allow Jeff Stone to abstain from voting.

Wall moved, Hoffman seconded and carried to recommend that the Final Plat application be continued to the November 7, 2002 Planning Commission meeting to allow the applicant time to provide additional information, and to acquire the needed signature(s) on the vacation of section line highway petition; that the hearing on the request for the Vacation of Right-of-way be continued to the November 7, 2002 Planning Commission meeting to allow the applicant time to acquire the needed signature(s); and, that the hearing on the request for a Variance to the Subdivision Regulations to waive the requirement to install sidewalks be approved with the following stipulations:



Urban Planning Division Recommendations:

1. **The sidewalk shall be a property line sidewalk constructed in accordance with the standards specified in the Street Design Criteria Manual; and**
2. **The sidewalk shall be constructed along the south side of the proposed access easement. (6-0-1 with Hoffmann, Mashek, Prairie Chicken, Schmidt, Wall and Wevik voting yes, none voting no and Stone abstaining)**

****44. No. 02UR025 - Carriage Hills Subdivision**

A request by John Herr to consider an application for a **Conditional Use Permit to allow an oversized private residential garage** on Lot 7 of Block 7, Carriage Hills Subdivision, Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4041 Penrose Place.

Marino reviewed the slides and staff's recommendation. He explained that the applicant was unable to attend today's meeting but did relate to staff that he did not wish to continue his request for a Conditional Use Permit due to the short construction season. Marino reviewed the stipulations of approval and added that the applicant is opposed to stipulation #2 and would like the Planning Commission to approve the installation of plumbing in the garage. He added that the applicant is willing to submit a letter indicating that he will not utilize the garage for living quarters.

Elkins explained that the applicant is adamant that he wants plumbing in the garage. She added that staff has reviewed other Conditional Use Permits to allow an oversized private residential garages and staff found one instance where City Council revised the recommendation of the Planning Commission and allowed the applicant to install plumbing in a garage that was utilized as a photography studio.

Prairie Chicken stated that he recalls that particular instance and asked why the applicant wanted plumbing in this garage. Elkins explained that the applicant is an avid hunter and wants to be able to clean game in that portion of the garage.

In response to a question by Wall, Elkins advised that the applicant plans to leave the 2nd floor of the garage unfinished and utilize it for storage.

Wall stated that in his opinion there is no compelling reason to approve the request for plumbing and supports a continuance so that the applicant can be present.

Elkins stated that the applicant does not wish to continue the application as he is concerned about the weather and wants to complete the garage during this construction season. She added that the applicant has also indicated to staff that he would be willing to enter into a covenant to insure that he would not utilize the garage as living quarters.

Schmidt stated that he does not support approval of plumbing in the garage and suggested that the applicant utilize outside faucets on the residence to clean game.

Hoffman stated that in his opinion the Planning Commission has been consistent in

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considering applications for Conditional Use Permits to allow oversized private residential garage and expressed concerns with enforcement issues.

Hoffman moved and Schmidt seconded to recommend that the Conditional Use Permit to allow an oversized private residential garage be approved with the following stipulations:

Fire Department Recommendations:

1. Prior to issuance of a building permit the applicant shall contact the Fire Department to help develop a wildland fuel mitigation plan;

Urban Planning Division Recommendations:

2. No plumbing shall be allowed in the garage;
3. Prior to the issuance of a building permit, the applicant shall file a notice with the Pennington County Register of Deeds indicating that the garage will only be used for accessory residential purposes.

Discussion followed concerning the potential for converting an oversized garage into two residences on a single piece of property, attached garages that meet the 30% rule and enforcement issues.

Wevik stated that he understands the applicant's desire to construct a garage with sewer and plumbing. He added that in his opinion enforcement problems are an exception not the rule and feels that the City should pursue alternatives that would permit an applicant who builds a structure to get sewer and plumbing to the building. He added that he does not support the motion to approve with the stipulation that no plumbing be allowed in the garage.

Prairie Chicken stated that he did not wish to set a precedent and that he does not support approval of plumbing in the garage.

Stone stated that he concurred with Wevik and added that in his opinion this was a gray area that needs to be clarified.

Discussion followed concerning buyer and seller agreements and enforcement of covenants.

The vote on the motion carried to recommend that the Conditional Use Permit to allow an oversized private residential garage be approved with the following stipulations:

Fire Department Recommendations:

1. Prior to issuance of a building permit the applicant shall contact the Fire Department to help develop a wildland fuel mitigation plan;

Urban Planning Division Recommendations:

2. No plumbing shall be allowed in the garage;
3. Prior to the issuance of a building permit, the applicant shall file a notice with the Pennington County Register of Deeds indicating that the garage will only be used for accessory residential purposes. (4 to 3 with Schmidt, Wall, Hoffmann and Mashek voting yes and Prairie Chicken, Stone and

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Wevik voting no)

45. Discussion Items

A. Suggested Rules of Procedures for Small Governing Boards - Adam Altman

Green stated that Adam Altman has been out of town and requested that the discussion on the Suggested Rules of Procedures for Small Governing Boards be continued to the November 7, 2002 Planning Commission meeting.

Wevik requested that Green ask Altman to prepare a summary and recommendation for the Planning Commission to consider at the November 7, 2002 Planning Commission meeting.

A brief discussion followed concerning the City Council Rules Committee's recommendation and the City Councils' utilization of Roberts Rules of Order.

46. Staff Items

A. Planning Commission Procedure Sheet

Elkins stated that Hoffman had suggested preparing a procedure sheet to explain the Planning Commission agenda to individuals attending the meeting. She added that Sharlene Mitchell did a very nice job preparing a procedure sheet that explains the procedures. Elkins stated that staff would also watch the audience and attempt to offer assistance to those who do not understand the Planning Commission procedures.

B. Smart Growth Audit

Elkins advised that City Council authorized staff to proceed with the Smart Growth Audit. She added that the Request for Proposals has been sent out and that the deadline is November 18, 2002.

47. Planning Commission Items

None

48. Committee Reports

None

Wall moved, Hoffman seconded and unanimously carried to adjourn the meeting at 7:55 a.m. (7 to 0 with Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)