



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
December 5, 2002

MEMBERS PRESENT: Ida Fast Wolf, Jeff Hoffmann, Dawn Mashek, Dr. Grace Mickelson, Mel Prairie Chicken, Ethan Schmidt, Jeff Stone, Bob Wall, and Stuart Wevik. Martha Rodriguez, Council Liaison was also present.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Jeff Marino, Lisa Seaman, Tom Kurtenbach, Karen Bulman, Bill Knight, Tim Behlings, 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 12, 13 and 16 be removed from the Non-Hearing Consent Agenda for separate consideration. Schmidt requested that Item 18 be removed from the Non-Hearing Consent Agenda for separate consideration.

Prairie Chicken moved and Hoffmann seconded to recommend approval of the Non-Hearing Consent Agenda Items 1 through 18 be approved in accordance with the staff recommendations with the exception of 12, 13, 16 and 18.

Mickelson requested that Item #1 be removed from the Non-Hearing Consent Agenda for separate consideration. The motion maker and second concurred with the addition of #1 into the items removed from the Non-Hearing Consent Agenda for separate consideration.

The vote on the motion unanimously carried. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

2. 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 property described by metes and bounds 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 January 9, 2003 Planning Commission meeting to obtain additional signatures on the Petition for Annexation.

3. 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 December 19, 2002 Planning Commission meeting to allow the applicant to submit additional information.

4. 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 December 19, 2002 Planning Commission meeting at the applicant's request.

5. No. 02PL051 - Professional 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 in 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 December 19, 2002 Planning Commission meeting to allow the applicant time to either vacate the non-buildable utility easement or submit a revised site plan eliminating all structures within the non-buildable utility easement.

6. 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 recommends that the Preliminary and Final Plat be continued to the December 19, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.

7. No. 02PL083 - Neff Subdivision

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 December 19, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.

8. 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 December 19, 2002 Planning Commission meeting to allow the applicant to submit revised and/or additional information.

9. No. 02PL095 - Moon Ridge Subdivision

A request by Doug Sperlich for 16 Plus, LLC to consider an application for a **Preliminary and Final Plat** on Lot 3, Moon Ridge Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 and Tract 2 of Pioneer Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of U.S. Highway 16 and Moon Meadows Road.

Planning Commission recommended that the Preliminary and Final Plat be continued to the December 19, 2002 Planning Commission meeting to allow the applicant to submit additional information.

10. No. 02PL108 - Ponderosa Ridge Estates

A request by Robert Looyenga to consider an application for a **Layout, Preliminary and**



Final Plat on Lot 35R, Lot 36R, and Lot 37R, Ponderosa Ridge Estates located in the N1/2 of the NW/14 Section 31, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lots 35, 36, and 37 of Ponderosa Ridge Estates located in the N1/2 of the NW1/4 Section 31, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 6560 Sun Ridge Road and 1107 Wildlife Road.

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

Engineering Division Recommendations:

1. Prior to Preliminary Plat approval by City Council, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb and gutter and sidewalk improvements for all adjacent and interior roadways or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by City Council, construction plans for the section line highway located along the north lot line shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated;
3. Prior to Preliminary Plat approval by City Council, non-access easement(s) at the intersection of Sun Ridge Road and Wild Life Road shall be shown on the plat. The easement(s) shall comply with standards presented in the Street Design Criteria Manual;
4. Prior to Preliminary Plat approval by City Council, septic easements shall be shown on the plat;
5. Prior to Preliminary Plat approval by City Council, clarification shall be made whether existing utility and minor drainage easements are retained or vacated;

Fire Department Recommendations:

6. Prior to Final Plat approval by City Council, a note shall be placed on the plat stating, "If driveway or street grades exceed 16 percent, then fire sprinklers shall be required for all residences";
7. Prior to Preliminary Plat approval by City Council, a wild land fire mitigation plan shall be approved by the Rapid City Fire Department;

Pennington County Highway Recommendations:

8. Prior to Preliminary Plat approval, the note, "Area to be dedicated as public right of way this survey: 0.430 ac. +/-" shall read "Area to be dedicated as public right of way this survey: 0.043 ac. +/-";

Urban Planning Division Recommendations:

9. Prior to Final Plat approval by the City Council, surety shall be posted for any required subdivision improvements that have not been completed; and,
10. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval, and the subdivision inspection fees shall be paid.

11. **No. 02PL117 - Estes Subdivision**

A request by D.C. Scott Co. for Thomas Estes to consider an application for a



Preliminary and Final Plat on Lot 2R and 4R2 of Estes Subdivision, located in the W1/2 SW1/4 NW1/4 and W1/2 NW1/4 SW1/4 of Section 16, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 2 and Lot 4 Revised of Estes Subdivision and the 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 2.3 miles south of Reptile Gardens on Neck Yoke Road.

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

Engineering Division Recommendation:

1. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a drainfield easement on each lot;
2. Prior to Preliminary Plat approval by the City Council, that portion of Aero Road located within the City's three mile platting jurisdiction shall be constructed to City street design standards or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to Preliminary Plat by the City Council, 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;
4. Prior to Preliminary Plat approval by the City Council, water and sewer plan(s) shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;

Fire Department Recommendations:

5. A Special Exception is hereby granted to allow a 3,200 foot long cul-de-sac without intermediate turnarounds at intervals of 600 feet contingent upon the plat document being revised to show a fire apparatus turnaround on each lot prior to Final Plat approval by the City Council;
6. Prior to Final Plat approval by the City Council, a Wild Land Fire Mitigation Plan shall be submitted for review and approval. In addition, the Fire Department shall establish an implementation schedule to insure completion of the Wild Land Fire Mitigation Plan;

Register of Deed's Office Recommendation:

7. Prior to Final Plat approval by the City Council, the plat title shall be revised to read "Lot 4 Revised of Estes Subdivision and a portion of the balance of Estes Subdivision". In addition, the plat document shall be revised removing "and unplatted land" from the plat title;

Urban Planning Division Recommendations:

8. A Special Exception is hereby granted to allow an easement to serve more than four lots;
9. 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,
10. 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 fees shall be paid.

14. No. 02RD008 - Eastern Acres Subdivision

A request by the City of Rapid City to consider an application for a **Resolution naming the unnamed 30 foot access easement to Beaumont Lane** legally described as the 30 foot access easement located adjacent to Lots A, B, C and D of Lot 11, Block 4, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of Mercury Drive and east of Reservoir Road.

Planning Commission recommended that the resolution naming the unnamed 30 foot access easement to Beaumont Lane be approved with the following stipulation:

1. That Pennington County installs and maintains the street sign.

15. 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 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 January 9, 2003 Planning Commission meeting to allow the applicant to submit additional information.

17. No. 02SR028 - Fountain Springs Business Park

A request by Jerry Gyles for Golden West Technologies to consider an application for an **11-6-19 SDCL Review of a public utility in Light Industrial Zoning District** on Tract E of Fountain Springs Business Park, Section 27, T2N, R7E, BHM, Rapid City, Pennington County South Dakota, more generally described as being located at 2727 North Plaza Drive.

Planning Commission recommended that the 11-6-19-SDCI Review of a public utility in Light Industrial Zoning District be continued to the December 19, 2002 Planning Commission meeting.

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

1. Approval of the November 21, 2002 Planning Commission Meeting Minutes.

Mickelson advised that there are several corrections that need to be made to the Draft November 21, 2002 Planning Commission minutes. She indicated that on page 9, paragraph 5 the word "house" should be "houses", page 9, paragraph 6, "loses" should be "losses" and on page 9, paragraph 7 her name is misspelled. Mickelson asked that staff also look at revising the placement of the vote on motions. She stated that in her opinion it is difficult to determine which motion and vote go together when the vote is listed at the end



of a long list of stipulations.

Hoffmann moved, Stone seconded and unanimously carried to approve the November 21, 2002 Planning Commission meeting minutes with the corrections listed above. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

12. No. 02PL118 - Deadwood Avenue Business Park

A request by Fisk Land Surveying for Dan O'Brien to consider an application for a **Preliminary and Final 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 Kurtenbach has distributed a revised staff report with a revised stipulation to read as follows: "Prior to Final Plat approval by the City Council, the required drainage and access easement shall be included on the plat document in a manner approved by the City Attorney."

Wall moved, Schmidt seconded and unanimously carried (VOTE: 9 to 0 with Fast Wolf, Hoffman, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no) to recommend that the Preliminary and Final Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. **Prior to Final Plat approval by the City Council, the required drainage and access easements shall be included on the plat document in a manner approved by the City Attorney;**
2. **Prior to Final Plat approval by the City Council, the plat shall be revised to show the dedication of fifteen feet of additional right of way for the applicant's half of an arterial standard street, or a subdivision variance shall be obtained;**
3. **Prior to Final Plat approval by the City Council, surety shall be posted to replace the expired Letter of Credit to cover the uncompleted sanitary sewer improvements resulting from previous replat action for Lot 10B; and,**

Urban Planning Division Recommendations:

4. **Prior to Final Plat approval by the City Council, the applicant shall submit a signed encroachment agreement for recording with the Final Plat.**

13. No. 02PL119 - Five Star Subdivision

A request by Kevin Conway for Norman or Rod McKie to consider an application for a **Preliminary Plat** on Lots 1 and 2 of Five Star Subdivision and dedicated public right-of-way shown as Disk Drive located in the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 8 of Lot M1 of the S1/2 NW1/4, Lots A and B of Lot 1 of Lot M1 of the S1/2 NW1/4, Tract 4-B of Parcel 4 of SE1/4 NW1/4, and a portion of vacated Howard Street right-of-way located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and north of Interstate 90.



Elkins advised that the applicant has requested that the Preliminary Plat be continued to the December 19, 2002 Planning Commission meeting.

Prairie Chicken moved, Hoffmann seconded and unanimously carried to recommend that the Preliminary Plat be continued to the December 19, 2002 Planning Commission meeting at the applicant's request. (VOTE: 9 to 0 with Fast Wolf, Hoffman, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

16. No. 02SR026 - Original Township of Rapid City

A request by Thurston Design Group, LLP for the Rapid City Arts Council to consider an application for an **11-6-19 SDCL Review to allow an art center in a public building** on Lots 1 thru 5, Block 103, the N1/2 of vacated alley adjacent to said lots, Original Township of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 713 7th Street.

Elkins advised that the agent, Thurston Design Group, LLP, requested that this item be removed from the Non-Hearing Consent agenda as they had concerns with the stipulations recommended by the Fire Department and Building Inspection Division.

Fred Thurston, Thurston Design Group, LLP, requested that the stipulations of approval be revised so that there can be continual use of the space over the next year and half until the remodeling can be completed.

Elkins recommended that this item be continued to the end of the agenda to allow staff, the agent, the Building Official and Fire Department staff to come up with a revised stipulation.

Wall moved, Hoffmann seconded and unanimously carried to recommend that the 11-6-19-SDCL Review to allow an art center in a public building be continued to the end of the agenda. (9 to 0 with Fast Wolf, Hoffman, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

18. No. 02SR029 - Original Town of Rapid City

A request by Lund Associates, Ltd for Sheriff Don Holloway for Pennington County to consider an application for an **11-6-19 SDCL Review to allow drainage improvements on public property and within public right-of-way** on Lots 1 thru 32, Block 97 of Original Town of Rapid City, Section 1, T1N, R7E; a portion of Lots 1 thru 9; Lots 16 thru 32; vacated alley adjacent to said lots; vacated 3rd Street adjacent to Lots 16 and 17; and, the Kansas City Street right-of-way adjacent to Block 98, Lots 17 thru 20 and Lots 29 thru 32 and that portion of the Kansas City Street right-of-way adjacent to the vacated 3rd Street right-of-way, located in Block 98, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 300 and 302 Kansas City Street.

Schmidt advised that he had requested that this item be removed from the Non-Hearing Consent Agenda so that he may abstain from voting.

Wall moved, Hoffmann seconded and carried (VOTE: 8-0-1 with Fast Wolf, Hoffman,



Mashek, Mickelson, Prairie Chicken, Stone, Wall and Wevik voting yes, none voting no and Schmidt abstaining) to recommend that the 11-6-19 SDCL Review to allow drainage improvement on public property and within public right-of-way be approved with the following stipulations:

Engineering Division Recommendations:

- 1. Prior to any work in the right-of-way, the construction plans shall be reviewed and approved by the City Engineering Division; and,**
- 2. Prior to initiation of construction, an evaluation of petroleum contamination in the vicinity of the proposed improvements shall be made and provided to the Engineering Division. The evaluation shall identify any mitigation or clean-up needed to allow the installation of the proposed improvements.**

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 Item 30 be removed from the Hearing Consent Agenda for separate consideration. Prairie Chicken requested that Item 25 be removed from the Hearing Consent Agenda for separate consideration.

Hoffmann moved, Mickelson seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 19 thru 32A in accordance with the staff recommendations with the exception of Items 25 and 30. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

19. No. 02CA056 - Section 25, T2N, R7E
Comprehensive Plan Amendment - **Summary of Adoption Action** by revising the Comprehensive Plan to change the future land use designation on a 3.585 acre parcel from Residential Land Use designation to General Commercial Land Use designation on Parcel 4A, 4B, and 4C on the "Plat showing; Tracts 4-B & 4-C, of Parcel #4; and Tracts 4-A, C and D; of the SE1/4 NW1/4 of Section 25, T2N, R7E, BHM, Pennington County, South Dakota", as shown in Plat Book 10 Page 21; and Parcel No. 5 as shown on the "Plat for Montana-Dakota Utilities Co., a corporation with principal offices at 831 Second Avenue South, Minneapolis 2, Minnesota, showing lands in Sections 25 and 26 of T2N, R7E, BHM, Pennington County, South Dakota, acquired by Warranty Deed from Oldfield and Butterfield, Grantors, of Rapid City, South Dakota", dated January 5, 1959; and Parcel No. 8 found in Right-of-Way Book 7 Page 173, dated January 26, 1959, described as "A tract or strip of land in the North Half of the North-west Quarter (N1/2 NW1/4) of Section 25, T2N, R7E, BHM in Pennington County, South Dakota; said strip of land being Fifty (50) feet wide, Twenty Five (25) feet on each side of the following described center-line, with both sides of the strip terminating at the South boundary of the NW1/4 NW1/4 of said Section 25: Beginning at the North Quarter corner of said Section 25, thence South along the quarter line a distance of 886.5 feet to the TRUE POINT OF BEGINNING, thence South 76 degrees 15 feet West a distance of 1846.9 feet to the East-West one-sixteenth line at a point 1794 feet West of the North-South one-quarter line, more generally



described as being located north of US Interstate 90 and west of Haines Avenue.

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

20. No. 02CA064 - Section 3, T1N, R8E

A request by the City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Area Future Land Use Plan to change the land use designation on an 18.48 acre parcel from Public to Medium Density Residential with a Planned Development Designation** on the west 610 feet of the NE1/4 NE1/4, 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 acknowledged the applicant's withdrawal of the Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Area Future Land Use Plan to change the land use designation on an 18.48 acre parcel from Public to Medium Density Residential with a Planned Development Designation.

**21. No. 02PD069 - Section 3, T1N, R8E

A request by the City of Rapid City to consider an application for a **Planned Development Designation** on the west 610 feet of the NE1/4 NE1/4, 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 Planned Development Designation be approved contingent upon the approval of the associated rezoning from Public District with the following stipulation:

1. **No building permits or sign permits shall be issued for the property until such time as an Initial and Final Development Plan has been approved for the property.**

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

22. No. 02RZ073 - Section 3, T1N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from Public District to Medium Density Residential District** on the west 610 feet of the NE1/4 NE1/4, 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 Rezoning from Public District to Medium Density Residential District be approved in conjunction with a Planned Development Designation.



****23. No. 02PD055 - Section 3, T1N, R8E**

A request by the City of Rapid City to consider an application for a **Revocation of a portion of a Planned Development Designation** on the west 230 feet of the SE1/4 NW1/4 NW1/4 of 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 moved that the Revocation of a portion of a Planned Development Designation be approved in conjunction with the associated Rezoning, Planned Development Designation and the Comprehensive Plan Amendment.

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

24. No. 02OA019 - Ordinance Amendment

A request by the City of Rapid City to consider an application for an **Ordinance Amendment** to Section 17.32.020(B) to allow automobile sales and display areas as a permitted use in the SC-2 Community Shopping Center District.

Planning Commission recommended that the Ordinance amending Chapter 17.32 of the Rapid City Municipal Code to add "automobile sales and display areas" as a permitted use in the Community Shopping Center District be approved.

26. No. 02SV044 - Moonridge Subdivision

A request by Doug Sperlich for 16 Plus, LLP to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water and paving and to dedicate right of way for the collector road as shown on the Major Street Plan, to waive the requirement to install curb, gutter, sidewalks and street light conduit on U.S. Highway 16 and to waive the requirement to install sidewalk and street light conduit on Moon Meadows Drive as per Section 16.16 of the Rapid City Municipal Code** on Lots 2 thru 4, Moon Ridge Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 and Tract 2 of Pioneer Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of U.S. Highway 16 and Moon Meadows Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirements to install street light conduit and sidewalk on Moon Meadows Drive be denied; and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and paving and to dedicate right of way for the collector road as shown on the Major Street Plan and to waive the requirement to install curb, gutter, sidewalk and street light conduit on U.S. Highway 16 be approved with the following stipulation:



Urban Division Recommendation:

- 1. Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment project for the improvements.**

27. **No. 02SV045 - Minnesota Ridge Subdivision**

A request by Centerline for 3 T's Land Development, LLC to consider an application for a **Variance to the Subdivision Regulations to allow lots twice as long as wide as regulated by Chapter 16.12.190 of the Municipal Code** on Lots 30 and 47, Minnesota Ridge Subdivision, located in SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 14, Minnesota Ridge Subdivision, Section 13, T1N, R7E; and, a portion of Tract C of Robbinsdale Additional No. 10 located in SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of Minnesota Street and 5th Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow lots twice as long as wide be approved.

28. **No. 02SV046 - Estes Subdivision**

A request by D.C. Scott Co. for Thomas Estes to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, sewer, water and pavement along Aero Road and a section line highway as per Chapter 16.16 of the Subdivision Regulations** on Lot 2 of Estes Subdivision, Lot 4 Revised of Estes Subdivision, and the north 690.15 feet of that part of Estes Subdivision lying in the W1/2 NW1/4 SW1/4 of Section 15 except Lot 1 of Estes Subdivision, all located in the W1/2 SW1/4 NW1/4 and the W1/2 NW1/4 SW1/4 of Section 15, T1S, R7E, BHM, Pennington County, South Dakota; legally described as Lot 2 and Lot 4 Revised of Estes Subdivision and the 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 2.3 miles south of Reptile Gardens on Neck Yoke Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, sewer, water and pavement along Aero Road and a section line highway be approved with the following stipulation:

Engineering Division Recommendation:

- 1. Any future platting resulting in an increase in lot(s) along either roadway will require that the road(s) be constructed to City street design standards.**

29. **No. 02SV047 - Deadwood Avenue Business Park**

A request by Fisk Land Surveying for Dan O'Brien to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Subdivision Regulations** 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.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the 100 foot right of way width requirement for Lien Street be approved with the following stipulations:

Urban Planning Division Recommendations:

- 1. Prior to Final Plat approval by the City Council, the applicant shall sign an encroachment agreement to be recorded with the Final Plat; and,**
- 2. Prior to Final Plat approval by the City Council, the plat shall be revised to show a ten foot utility easement and revised lot line(s) along Lien Street.**

****31. No. 02UR029 - Enchanted Hills Subdivision**

A request by Paul and Carole Tonn to consider an application for a **Conditional Use Permit to allow a private residential garage/workshop in excess of 1500 square feet** on Lot 12 of Enchanted Hills Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1372 Panorama Circle.

Planning Commission moved to approve the Conditional Use Permit to allow a private residential garage/workshop in excess of 1500 square feet with the following stipulations:

Urban Planning Division Recommendations:

- 1. 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; and**
- 2. All requirements and regulations of the Rapid City Municipal Code shall be met at all times.**

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

****32. No. 02UR030 - Original Town of Rapid City**

A request by Mike Derby for Quincy Professional Trust to consider an application for a **Conditional Use Permit to allow professional offices in High Density Residential District** on Lot 26 and the west 19 feet of Lot 27 of the Original Town of Rapid City, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 914 Quincy Street.

Planning Commission moved to deny without prejudice the Conditional Use Permit to allow professional offices in High Density Residential District at the applicant's request.

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in



writing to the Planning Department by close of business on the seventh full calendar day following action by the Planning Commission.

32A. No. 02OA018 - Ordinance Amendment

A request by the City of Rapid City to consider an application for an **Ordinance Amendment to establish criteria, fees, timetables and notification procedures for Amendments** to the Comprehensive Plan by adding a new section to Chapter 17.54 of the Rapid City Municipal Code.

Planning Commission recommended that the Ordinance Amendment to establish criteria, fees, timetables and notification procedures for Amendments to the Comprehensive Plan by adding a new section to Chapter 17.54 of the Rapid City Municipal Code be continued to the December 19, 2002 Planning Commission meeting.

---END OF HEARING CONSENT CALENDAR---

**25. 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 in the southeast corner of the intersection of 5th Street and North Street.

Prairie Chicken stated that there is a typing error on the agenda.

Elkins concurred and advised that the typing error on the agenda was corrected on Monday and republished on the Internet and Intranet.

Prairie Chicken moved, Stone seconded and unanimously carried to recommend that the Planned Commercial Development - Initial and Final Development Plan be continued to the December 19, 2002 Planning Commission meeting to allow the applicant time to submit the required information regarding the noise generated by the air handling units. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

30. No. 02SV048 - Ponderosa Ridge Estates

A request by Robert Looyenga to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to construct street and section line highway improvements as per Chapter 16.16 of the Subdivision Regulations** on Lot 35R, Lot 36R, and Lot 37R, Ponderosa Ridge Estates located in the N1/2 of the NW/14 Section 31, T2N, R7E, BHM, Pennington County, South Dakota; legally described as Lots 35, 36, and 37 of Ponderosa Ridge Estates located in the N1/2 of the NW1/4 Section 31, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 6560 Sun Ridge Road and 1107 Wildlife Road.

Elkins explained that there was a staff error in the notification list provided to the applicant. She added that staff has prepared and mailed new notices. Elkins requested that the



Variance to the Subdivision Regulations be continued to the December 19, 2002 Planning Commission meeting to allow proper notification to adjacent property owners.

Stone moved, Wall seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk, dry sewer, curb and gutter along Sun Ridge Road and Wild Life Road and to waive the requirement to install sidewalk, pavement, street light conduit, dry sewer, and curb and gutter in the section line highway be continued to the December 19, 2002 Planning Commission meeting. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Elkins requested that Items 33 thru 35 be considered concurrently.

33. No. 02CA065 - Section 3, T1N, R8E
A request by Dream Design International, Inc to consider an application for an **Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Area Future Land Use Plan to change the land use designation on a 3.48 acre parcel from Office Commercial with a Planned Development Designation to General Commercial with a Planned Development Designation** on the west 230 feet of the SE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Homestead Street and Elk Vale Road.
- **34. No. 02PD067 - Section 3, T1N, R8E
A request by Dream Design International, Inc. to consider an application for a **Planned Development Designation** on the west 230 feet of the SE1/4 of the NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Homestead Street and Elk Vale Road.
35. No. 02RZ068 - Section 3, T1N, R8E
A request by Dream Design International, Inc. to consider an application for a **Rezoning from Office Commercial District to General Commercial District** on the west 230 feet of the SE1/4 NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Homestead Street and Elk Vale Road.

Elkins added that in the past, Swedlund has requested that requests similar to Items 33 thru 35 not be placed on the Consent Agenda.

Stone moved and Hoffmann seconded to recommend that Items 33 thru 35 be approved per staff's recommendations.

In response to a question by Prairie Chicken, Elkins explained that Swedlund has objected to any additional General Commercial Zoning Districts along Homestead Street and Elk Vale Road.



The vote on the motion unanimously carried to recommend that the Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Area Future Land Use Plan to change the land use designation on a 3.48 acre parcel from Office Commercial with a Planned Development Designation to General Commercial with a Planned Development Designation be approved;

that the Planned Development Designation be approved contingent upon the approval of the associated Rezoning from Office Commercial District to General Commercial District with the following stipulation:

- 1. No building permits or sign permits shall be issued for the property until such time as an Initial and Final Development Plan has been approved for the property; and,**

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

that the Rezoning from Office Commercial District to General Commercial District be approved in conjunction with a Planned Development Designation and the related Amendment to the Comprehensive Plan.

VOTE: (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

Fisher requested that Items 36 thru 39 be considered concurrently.

36. No. 02CA053 - Robbinsdale Addition No. 10

A request by Williams and Associates for Black Hills Surgery Center, LLP to consider an application for an **Amendment to the Comprehensive Plan to the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a .2141 acre parcel from Medium Density Residential District to Office Commercial with a Planned Commercial Development** on a portion of Lot 33 of Block 18 of Robbinsdale Addition No. 10 located in the SE1/4 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 33 of Block 18 of Robbinsdale Addition No. 10, common to the southeasterly corner of Lot 32 of Block 18 of Robbinsdale Addition No. 10, and the Point of Beginning; thence, first course: N26°33'43"W, along the westerly boundary of said Lot 33, common to the easterly boundary of said Lot 32, a distance of 107.95 feet, to a westerly corner of said Lot 33 common to a easterly corner of said Lot 32; thence, second course: N00°29'17"W, along the westerly boundary of said Lot 33, common to the easterly boundary of said Lot 32, a distance of 263.76 feet, to a westerly corner of said Lot 33, common to the northeasterly corner of said Lot 32; thence, third course: S08°00'00"E, a distance of 235.00 feet; thence, fourth course S33°07'00"E, a distance of 112.08 feet, to a point on the southerly boundary of said Lot 33, common the northerly edge of right-of-way of Anamaria Drive;



thence fifth course: S53°27'20"W, along the southerly boundary of said Lot 33, common to the northerly edge of right-of-way of Anamaria Drive, a distance of 15.00 feet, to a point of curve; thence, sixth course: southwesterly, along the southerly boundary of said Lot 33, common the northerly edge of right-of-way of Anamaria Drive, curving to the left on a curve with a radius of 648.63 feet, a delta angle of 3°32'00", a length of 40.00 feet, a chord bearing S51°41'20"W, and a chord distance of 39.99 feet, to the southwesterly corner of said Lot 33, common to the southeasterly corner of said Lot 32, and the point of beginning, more generally described as being located along Anamaria Drive west of 5th Street.

****37.** No. 02PD056 - Robbinsdale Addition No. 10

A request by Williams and Associates for Black Hills Surgery Center, LLP to consider an application for a **Major Amendment to a Planned Commercial Development to increase the boundaries and expand the existing building and parking area** on Lot 1R of Block 28 of Robbinsdale Addition No. 10; Lot 32 of Block 18 of Robbinsdale Addition No. 10; and a portion of Lot 33 of Block 18 of Robbinsdale Addition No. 10 located in the SE1/4 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 33 of Block 18 of Robbinsdale Addition No. 10, common to the southeasterly corner of Lot 32 of Block 18 of Robbinsdale Addition No. 10, and the Point of Beginning; thence, first course: N26°33'43"W, along the westerly boundary of said Lot 33, common to the easterly boundary of said Lot 32, a distance of 107.95 feet, to a westerly corner of said Lot 33 common to a easterly corner of said Lot 32; thence, second course: N00°29'17"W, along the westerly boundary of said Lot 33, common to the easterly boundary of said Lot 32, a distance of 263.76 feet, to a westerly corner of said Lot 33, common to the northeasterly corner of said Lot 32; thence, third course: S08°00'00"E, a distance of 235.00 feet; thence, fourth course S33°07'00"E, a distance of 112.08 feet, to a point on the southerly boundary of said Lot 33, common the northerly edge of right-of-way of Anamaria Drive; thence fifth course: S53°27'20"W, along the southerly boundary of said Lot 33, common to the northerly edge of right-of-way of Anamaria Drive, a distance of 15.00 feet, to a point of curve; thence, sixth course: southwesterly, along the southerly boundary of said Lot 33, common the northerly edge of right-of-way of Anamaria Drive, curving to the left on a curve with a radius of 648.63 feet, a delta angle of 3°32'00", a length of 40.00 feet, a chord bearing S51°41'20"W, and a chord distance of 39.99 feet, to the southwesterly corner of said Lot 33, common to the southeasterly corner of said Lot 32, and the point of beginning, more generally described as being located west of the intersection of Anamaria Drive and 5th Street.

38. No. 02PL107 - Robbinsdale Addition No. 10

A request by Williams and Associates for Black Hills Surgery Center, LLP to consider an application for a **Layout, Preliminary and Final Plat** on Lot 6R, Lot 32R, and Lot 33R of Block 18 of Robbinsdale Addition No. 10 located in the S1/2 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6, Lot 32 and Lot 33 of Block 18 of Robbinsdale Addition No. 10 located in the S1/2 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of 5th Street along Anamaria Drive.



39. No. 02RZ062 - Robbinsdale Addition No. 10

A request by Williams and Associates for Black Hills Surgery Center, LLP to consider an application for a **Rezoning from Medium Density Residential District to Office Commercial District** on a portion of Lot 33 of Block 18 of Robbinsdale Addition No. 10 located in the SE1/4 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 33 of Block 18 of Robbinsdale Addition No. 10, common to the southeasterly corner of Lot 32 of Block 18 of Robbinsdale Addition No. 10, and the Point of Beginning; thence, first course: N26°33'43"W, along the westerly boundary of said Lot 33, common to the easterly boundary of said Lot 32, a distance of 107.95 feet, to a westerly corner of said Lot 33 common to a easterly corner of said Lot 32; thence, second course: N00°29'17"W, along the westerly boundary of said Lot 33, common to the easterly boundary of said Lot 32, a distance of 263.76 feet, to a westerly corner of said Lot 33, common to the northeasterly corner of said Lot 32; thence, third course: S08°00'00"E, a distance of 235.00 feet; thence, fourth course S33°07'00"E, a distance of 112.08 feet, to a point on the southerly boundary of said Lot 33, common the northerly edge of right-of-way of Anamaria Drive; thence fifth course: S53°27'20"W, along the southerly boundary of said Lot 33, common to the northerly edge of right-of-way of Anamaria Drive, a distance of 15.00 feet, to a point of curve; thence, sixth course: southwesterly, along the southerly boundary of said Lot 33, common the northerly edge of right-of-way of Anamaria Drive, curving to the left on a curve with a radius of 648.63 feet, a delta angle of 3°32'00", a length of 40.00 feet, a chord bearing S51°41'20"W, and a chord distance of 39.99 feet, to the southwesterly corner of said Lot 33, common to the southeasterly corner of said Lot 32, and the point of beginning, more generally described as being located located west of 5th Street along Anamaria Drive.

Fisher advised that staff has been working with the applicant to address drainage and site improvement issues and recommended that Items 36 thru 39 be continued to the December 19, 2002 Planning Commission meeting.

Mickelson moved, Wall seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan to the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a .2141 acre parcel from Medium Density Residential District to Office Commercial with a Planned Commercial Development, Major Amendment to a Planned Commercial Development to increase the boundaries and expand the existing building and parking area, Layout, Preliminary and Final Plat, and, Rezoning from Medium Density Residential District to Office Commercial District be continued to the December 19, 2002 Planning Commission meeting. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

Elkins requested that Items 40 thru 41 be considered concurrently.

40. 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.

41. 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 staff is recommending that the Final Plat and the Vacation of Right-of-Way be continued to the December 19, 2002 Planning Commission meeting. She added that Items 40 and 41 were not placed on the Consent Agenda so that Stone could abstain from voting.

Hoffman moved, Prairie Chicken seconded and unanimously carried to recommend that the Final Plat and the Vacation of Right-of-Way be continued to the December 19, 2002 Planning Commission meeting to allow the applicant additional time to acquire the needed signature(s). (8-0-1 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Wall and Wevik voting yes, none voting no and Stone abstaining)

**42. 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.

Fisher reviewed the slides and staff's recommendation. She stated that there are several stipulations of approval that have not been met and that the applicant has requested that the Planned Unit Development - Final Development Plan be continued to the January 23, 2003 Planning Commission meeting. Fisher added that the applicant has expressed concerns with stipulation #7 regarding manure and straw/wood shavings being kept inside the equestrian center building and the requirement to remove the manure pile on a bi-monthly basis.

Dave Fisk, applicant, reviewed the history of the equestrian center, annexation, legal non-conforming structures, land uses, landscaping/fencing, removal of manure and his plans for resolution of these issues.

In response to a question by Wevik, Fisk stated that one option to resolve stipulation #7 would be to build a privacy fence around the area so that the manure pile is out of sight and option two would be to pursue an agreement with the City Landfill to provide the applicant with a dumpster and remove the manure in a more timely and economical manner. Fisk added that he currently has a contractor who removes the manure pile with a loader and dump truck once a month. Fisk admitted that due to the weather or equipment failures the contractor has not been able to remove the manure pile in a



timely manner. Fisk added that a third option would be for him to pursue purchasing a trailer and truck and remove the manure pile himself.

In response to a question by Wevik, Fisk advised that he planned to have additional conversations with staff to resolve the stipulations that have not been met prior to the January 23, 2002 Planning Commission meeting.

Patricia Hahn, 1105 Regency Court, expressed her concerns with the equestrian center's maintenance and development plans and the impact the equestrian center has on the residents of South Hill and Edinborough Subdivisions.

Stone encouraged Fisk to work with staff to resolve the outstanding issues prior to the January 23, 2003 Planning Commission meeting.

Stone moved and Hoffmann seconded to continue the hearing on Planned Unit Development - Final Development Plan to the January 23, 2003 Planning Commission meeting.

Keith Coates, 6662 Wellington, expressed concerns with the equestrian center's existing landscaping and fencing. He added that his main concern is the storage of manure and used straw/wood shavings outside of the equestrian center building.

In response to a question by Schmidt, Fisher advised that the County originally approved a Conditional Use Permit for the equestrian center with a stipulation of approval requiring that the manure must be removed in a timely manner so as not to create a nuisance. Fisher added that when the Conditional Use Permit was approved by Pennington County the applicant had assured the County that if any complaints were received regarding the odor or flies, he would adjust the removal schedule. Fisk added that the manure pile is scheduled to be removed today.

Wall called a Point of Order. Wall advised that the present discussion is not germane to the motion and that there is not enough information available to make a formal decision today.

Wall called the Question. There was no objection to calling the Question.

The vote on the motion to continue the Planned Unit Development - Final Development Plan to the January 23, 2002 Planning Commission meeting unanimously carried. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

43. No. 02PL115 - Flannery Subdivision No. 2

A request by Ferber Engineering Company to consider an application for a **Preliminary and Final Plat** on Lots 7R and 8R of the Flannery Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 7, 8 and 9 of the Flannery Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Ireland Place and Dublin Court.



Elkins stated that staff is recommending that the Preliminary and Final Plat be continued to the December 19, 2002 Planning Commission meeting to allow the applicant time to acquire the needed signatures.

Wall moved, Stone seconded and unanimously carried to recommend that the Preliminary and Final Plat be continued to the December 19, 2002 Planning Commission meeting to allow the applicant time to acquire the needed signatures on the vacation of right of way petition. (9 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

****44. No. 99UR004 - Section 30, T2N, R8E**

A request by the City of Rapid City to consider an application for a **Revocation of a Conditional Use Permit to allow a car wash in the General Commercial District** on Lot A of M-1 in NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2213 N. LaCrosse Street.

Elkins stated that staff has distributed a letter from the applicant's attorney, John Dorsey, which outlines a schedule for complying with the original conditions of approval for the carwash and building codes. Elkins explained that after talking with the City Attorney's office, staff is recommending that the Revocation of a Conditional Use Permit to allow a car wash in the General Commercial District be continued to the March 27, 2003 Planning Commission meeting to allow the applicant time to resolve the outstanding issues.

Discussion followed concerning shortening the continuance period to make sure that the unresolved items were being completed in a timely manner. Elkins explained that one of the items may require a spring planting season and that is why staff had suggested a 90 day continuance.

In response to a question by Wevik, John Dorsey, attorney for I-90 Amoco, stated that his client is agreeable to the continuance to March 27, 2003 and believes that he will be able to bring the property into compliance.

Hoffmann expressed concerns with the applicant's non-conformance and the City's delay in initiating the revocation of the Conditional Use Permit.

Discussion followed concerning staffing, project coordination and delays.

Hoffmann moved and Mickelson seconded to recommend that the Revocation of a Conditional Use Permit to allow a car wash in the General Commercial District be continued to the March 27, 2003 Planning Commission meeting.

In response to a question by Stone, Elkins advised that the Planning Commission could move the hearing date up to January 23, 2003 to verify that safety issues are being addressed and monitor progress.

Stone made a substitute motion to recommend that the Revocation of a



Conditional Use Permit to allow a carwash in the General Commercial District be continued to the January 23, 2003 Planning Commission meeting.

Dorsey advised that his client has bid for portions of the work that needs to be completed. He added that he could provide the Planning Commission with an update on his client's progress at the January 23, 2002 Planning Commission meeting.

Fast Wolf left the meeting at 8:17 a.m.

Elkins added that staff, the applicant's attorney, Building Inspection staff and the City Attorney would be meeting after today's meeting to coordinate a plan of action to bring the property into compliance.

Schmidt seconded the motion and unanimously carried to recommend that the Revocation of a Conditional Use Permit to allow a car wash in the General Commercial District be continued to the January 23, 2003 Planning Commission meeting. (8 to 0 with Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

Wall called a Point of Question. Wall stated that this building has been occupied for several years and was originally required to have a certificate of occupancy prior to being utilized. Wall expressed concerns that Certificate of Occupancies are being ignored and asked if the City had any recourse.

Discussion followed concerning options for insuring compliance with Building Codes and zoning regulations as well as scheduling a Planning Commission training session on this issue.

Wall moved, Hoffmann seconded and unanimously carried to recommend that certificate of occupancies be a Planning Commission training session topic after the first of the year. (8 to 0 with Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

16. No. 02SR026 - Original Township of Rapid City

A request by Thurston Design Group, LLP for the Rapid City Arts Council to consider an application for an **11-6-19 SDCL Review to allow an art center in a public building** on Lots 1 thru 5, Block 103, the N1/2 of vacated alley adjacent to said lots, Original Township of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 713 7th Street.

Fisher advised that staff had an opportunity during the meeting to visit with the applicant and various staff members. She indicated that all have agreed upon a revised stipulation #2 to read: "A building permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the building for any uses other than professional and/or business offices." Fisher added that the four remaining stipulations would not change.

In response to a question by Stone, Bill Knight advised that if the building use remains the same as it is now, no changes in the structure would be required. Knight explained that if the use is changed in anyway then additional Fire Code regulations may have to



be applied such as the immediate installation of fire alarms and a fire sprinkler system. He added that the current use does not require any additional Fire Code regulations.

Elkins stated that the current use is professional and/or offices. She explained that different standards are required if the use changes to classrooms or gallery space.

In response to a question by Wall, Jim Baldwin, representing the Dahl Fine Arts Center, advised that the applicant agrees with revised stipulation #2 and is aware of the additional Fire Code regulations should there be a change in use of the building.

In response to a question by Mickelson, Fisher advised that the property is zoned Central Business District and that there are no parking requirements in this zoning district. Fisher advised that the applicant has presented a site plan with 43 parking spaces and handicap parking spaces as required by the American with Disabilities Act.

Hoffmann moved, Stone seconded and unanimously carried to recommend that the 11-6-19 SDCL Review to allow an art center in a public building be approved with the following stipulations:

Fire Department Recommendations:

1. Upon issuance of a building permit, the Uniform Fire Code shall be met;

Building Inspection Division Recommendations:

2. A building permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the building for any uses other than professional and/or business offices;

3. Upon issuance of a building permit, the Uniform Building Code shall be met;

Urban Planning Division Recommendations:

4. The use of the building shall be limited to an art center and business and professional offices; and,

5. Prior to issuance of a building permit, the parking plan shall be revised to provide two handicap parking spaces. One of the handicap spaces shall be "van" accessible.

VOTE: (8 to 0 with Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

45. **Discussion Items**

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

Elkins stated that City Council has determined that they will continue to utilize Roberts Rules of Order and suggested that the Planning Commission also continue to use Roberts Rules of Order as spelled out in the Planning Commission Bylaws. She added that the City Council plans to conduct training on Roberts Rules of Order and encouraged the Planning Commission to also participate in the training.

Mickelson stated that the suggested Rules of Procedures for small governing boards that was presented by the City Attorney is a combination of rules of procedure and bylaws. She added that in her opinion the Planning Commission has a good set of Bylaws and suggested that the City Council establish Bylaws which



are separate from Rules of Procedure.

Rodriguez stated that the City Council is planning to conduct a rules meeting in the middle of January 2003 and encouraged members of the Planning Commission to attend.

Discussion followed concerning various interpretations of Roberts Rules of Order.

Schmidt moved, Wall seconded and unanimously carried to table the discussion of suggested rules of procedures for small governing boards. (8 to 0 with Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)

46. Staff Items

A. Smart Growth Audit

Elkins provided an update on the status of the Smart Growth Audit. She further explained that the Smart Growth Audit will be discussed at the December 11, 2002 Legal and Finance meeting at 1:15 p.m.

B. Annexation Priorities

Elkins advised that the City Council has identified a number of annexation priorities that they would like to aggressively pursue. Elkins stated that during the Planning Commission training session in January, 2003, staff will update the Planning Commission on the annexation priorities.

47. Planning Commission Items

A. Cell Towers

In response to a question by Hoffmann, Elkins advised that staff received a draft Ordinance concerning cell towers yesterday. Elkins explained that the next step in the consultant contract is to schedule a public meeting prior to the draft Ordinance being reviewed by the Planning Commission. She added staff will attempt to schedule the public meeting after the first of the year.

B. Deadwood Avenue Annexation

In response to a question by Schmidt, Elkins advised that the Deadwood Avenue Annexation was discussed and approved at December 2, 2002 by the City Council meeting and will become effective 20 days after publication unless there an appeal.

In response to a question by Hoffmann, Elkins advised that Black Hills Corporation's property was included in the annexation.

Schmidt asked if Black Hills Corporation's property was vacant. Elkins advised that the property is not vacant as a power producing plant is located on the property.

DRAFT

Wall moved, Hoffman seconded and unanimously carried to adjourn the meeting at 8:40 a.m. (8 to 0 with Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone, Wall and Wevik voting yes and none voting no)