

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 8, 2003

MEMBERS PRESENT: Ida Fast Wolf, Jeff Hoffmann, Dawn Mashek, Grace Mickelson, Mel Prairie Chicken, Ethan Schmidt, Jeff Stone and Bob Wall.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Jeff Marino, Tom Kurtenbach, Jason Green, Tim Behlings, Dave Johnson, Dave LaFrance and Nadine Bauer

Vice-Chairperson Wall called the meeting to order at 6:59 a.m.

Wall 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 Item 6 be removed from the Non-Hearing Consent Agenda for separate consideration.

Hoffmann moved, Mashek seconded, and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 14 in accordance with the staff recommendations with the exception of Item 6. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone and Wall voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the April 24, 2003 Planning Commission Meeting Minutes.

2. 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 recommend that the Preliminary and Final Plat be continued to the May 22, 2003 Planning Commission meeting to allow the applicant to submit revised construction plans and a revised plat document.

3. 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

Draft

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 May 22, 2003 Planning Commission meeting to allow the applicant time to submit a revised construction plans and a revised plat document.

4. No. 02PL129 - MJK Subdivision

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Lots 1 thru 23, MJK Subdivision, located in the NW1/4 of the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the balance of Parcel B MJK Subdivision less the Meadows Subdivision and less right-of-way, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Preakness Street between Field View Drive and the Truck Bypass.

Planning Commission recommended that the Layout Plat be continued to the June 26, 2003 Planning Commission as requested by the applicant.

5. No. 03PL026 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Lots 1 and 2 of Block 12; Lots 1 thru 4 of Block 15; Lots 1 thru 10 of Block 17; and, Lots 1 thru 17 of Block 18, Red Rock Estates Phase-IV, NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the extension of Prestwick Road and Pro Street.

Planning Commission recommended that the Layout Plat be continued to the May 22, 2003 Planning Commission meeting to allow the applicant to submit topographic information and a conceptual drainage plan.

7. No. 03PL042 - Trailwood Village

A request by Renner and Sperlich Engineering Co. for Gordon Howie to consider an application for a **Layout, Preliminary and Final Plat** on Lots 1 thru 5 of Block 18, Lots 1 thru 6 of Block 19, Lot 1 of Block 20, and Lots 1 thru 12 of Block 21, and Drainage Lot A, Trailwood Village, located in the E1/2 of the SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the balance of Tract T of Trailwood Village, located in the E1/2 of the SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located west of the intersection of Pluto Drive and Reservoir Road.

Planning Commission recommended that the Layout, Preliminary and Final Plat be continued to the May 22, 2003 Planning Commission meeting to allow the applicant to submit additional information.

8. No. 03PL045 - Marshall Heights Tract

A request by Michael Hanson for Kent Hagg Esq. for Burnell A. Lutz to consider an application for a **Preliminary and Final Plat** on Lots A and B of Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington

Draft

County, South Dakota, legally described as Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1903 North Maple Avenue.

Planning Commission recommended that the Preliminary and Final Plat be continued to the May 22, 2003 Planning Commission meeting to allow the applicant to submit additional information.

9. No. 03SR002 - Rapid City Greenway Tract

A request by the City of Rapid City to consider an application for a **SDCL 11-6-19 Review of a public facility in a public place** on Tract 35 and Tract 36, Rapid City Greenway Tract, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Cambell Street along East St. James Street at the Black Hills Polo and Soccer Grounds.

Planning Commission recommended that the SDCL 11-6-19 Review of a public facility in a public place be continued to the May 22, 2003 Planning Commission meeting to allow time for the applicant to address floodplain development issues.

10. No. 03SR019 - Rapid City Greenway Tract

A request by the City of Rapid City to consider an application for a **SDCL 11-6-19 Review of public improvements in a public place** on Tracts 1 thru 3 and Lots A-B of Tract 3 (also in Section 8, T1N, R7E), Rapid City Greenway Tract, Section 9, T1N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located at 2902 Park Drive.

Planning Commission recommended that the SDCL 11-6-19 Review of public improvements in a public place be continued to the May 22, 2003 Planning Commission meeting to allow the applicant to obtain a floodplain development permit.

11. No. 03SR024 - Owen Mann Subdivision

A request by the South Dakota Department of Environment and Natural Resources for Black Hills Federal Credit Union to consider an application for a **SDCL 11-6-19 Review of a public utility in a public place** on Lot B of Lot 2 of Tract A, Owen Mann Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 118 Kinney Avenue.

Planning Commission recommended that the SDCL 11-6-19 Review of a public utility in a public place be continued to the May 22, 2003 Planning Commission meeting.

12. No. 03SR025 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to allow the construction of a road in the section line highway** on the NW1/4 of Section 29, T1N, R7E and the NE1/4 of Section 30, T1N, R7E, Red Rock Estates, Sections 29 and 30, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the extension of Prestwick Road.

Planning Commission recommended that the SDCL 11-6-19 Review to allow the construction of a road in the section line highway be continued to the May 22, 2003 Planning Commission meeting to allow the applicant to obtain approval from the Pennington County Board of Commissioners to open the west half of the section line right-of-way.

13. No. 03SR027 - Wasteland Subdivision

A request by FMG, Inc. for the South Dakota Department of Corrections to consider an application for a **SDCL 11-6-19 Review of a public building in a public place** on Tract A, Wasteland Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5555 South Highway 79.

Planning Commission recommended that the SDCL 11-6-19 Review of a public building in a public place be approved with the following stipulations:

Engineering Division Recommendations:

1. The applicant shall submit a revised site plan showing the re-location of utilities to the City Engineer for review and approval prior to Planning Commission approval;
2. The applicant shall maintain 115 feet of separation between the access point and Highway 79 at all times;

Fire Department Recommendations:

3. The applicant shall submit a revised site plan showing emergency vehicle access turn around prior to approval by the Planning Commission;
4. The applicant shall submit a revised site plan showing the location of all fire hydrants on site in accordance with the Uniform Fire Codes prior to approval by the Planning Commission;

Urban Planning Division Recommendations:

5. The applicant shall submit a lighting plan in accordance with the City of Rapid City Municipal Code prior to approval by the Planning Commission;
6. The applicant shall submit a landscaping plan in accordance with the City of Rapid City Municipal Codes prior to approval by the Planning Commission;
7. The applicant shall submit elevations of the proposed buildings prior to approval by the Planning Commission; and
8. The applicant shall obtain an additional 11-6-19 SDCL Review prior to construction of the future building.

14. No. 03SR028 - Rapid City Greenway Tract

A request by the City of Rapid City to consider an application for a **SDCL 11-6-19 Review of a public use in a public place** on Tract 28, Rapid City Greenway Tract, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Omaha Street between Brennan Avenue and Elm Avenue.

Draft

Planning Commission recommended that the SDCL 11-6-19 Review of a public use in a public place be continued to the May 22, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

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

6. No. 03PL031 - Section 18, T2N, R8E

A request by Fisk Land Surveying & Consulting Engineers for the North Haines Volunteer Fire Department to consider an application for a **Preliminary and Final Plat** on Lot 1, North Haines II Subdivision, located in the SE1/4 SE1/4 of Section 18, T2N, R8E, BHM, Pennington County, South Dakota, legally described as a tract of land located in the SE1/4 of the SE1/4 of Section 18, T2N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the southeast corner of said Section 18, T2N, R8E, BHM, Pennington County, South Dakota; thence, westerly along the southerly section line of said Section 18, a distance of 333 feet, more or less; thence, northerly and parallel to the easterly section line of said Section 18, a distance of 350 feet, more or less; thence, easterly and parallel to the southerly section line of said Section 18, a distance of 333 feet, more or less, to a point on the easterly section line of said Section 18; thence, southerly along the easterly section line, a distance of 350 feet, more or less, to the point of beginning, more generally described as being located at the intersection of Country Road and 143rd Street.

Kurtenbach presented the request and reviewed the slides of the proposed site and staff's recommendation. He distributed a revised recommendation.

Janelle Finck, Fisk Land Surveying & Consulting Engineers, distributed copies of additional information to the Planning Commission regarding the dedication of five feet of right-of-way along 143rd Avenue. Finck stated that in her opinion the additional five feet of right-of-way along 143rd Avenue cannot be dedicated in the same area as the water line easement that is owned by the Federal government. Finck requested that the Planning Commission approve the applicant's request to allow the existing 66 foot right-of-way width without on-street parking. Finck also pointed out that the applicant is requesting a 50 foot approach on Country Road rather than the 36 foot wide approach recommended by the Engineering Staff

Elkins stated that the City Attorney's office has reviewed the easement document and has determined that there is no conflict between the easement that was granted and the dedication of additional right-of-way.

Nelson stated that the County Road is classified as an arterial road on the Major Street Plan. He added that in his opinion it would be short sighted to begin developing this area with the very bare minimal right of way when it is inevitable that this area will expand over time.

Discussion followed concerning the 36 foot wide approach restriction along Country Road and placing the applicant's request for review by the the Development Appeals Review Board.

In response to a question by Schmidt, Finck stated that she had not attempted to

Draft

contact anyone regarding release of the easement.

Hoffmann moved and Mickelson seconded to continue the Preliminary and Final Plat to the May 22, 2003 Planning Commission meeting.

Elkins reiterated that the City Attorney's office has already reviewed this application and has determined that there is no conflict.

Discussion followed.

Schmidt stated that he does not support a continuance.

Hoffmann withdrew his motion to continue the Preliminary and Final Plat to the May 22, 2003 Planning Commission meeting. The second concurred.

Finck stated that the applicant asked that the Planning Commission make a decision today due to time constraints.

In response to a question by Stone, Elkins stated that the Engineering Department has reviewed this application and based on the anticipated residential development to the north and east of the subject property and for continuity of the street width, they have recommended that a 76 foot right-of-way width.

Discussion followed concerning street continuity, on-street parking, long term needs, turn lanes and intersection improvements.

Elkins explained that there have been situations where the City has granted a wider approach for fire stations.

Tim Behlings, Fire Department, reviewed the South Highway 16 Firestation and when and where additional width is necessary for firestation access.

Discussion followed.

Stone moved, Hoffmann seconded and carried to recommend that the Layout, Preliminary and Final Plat be approved with the following stipulations:

Engineering Division Recommendations:

- 1. Prior to Final Plat approval by the City Council, the plat shall be revised to identify the dedication of an additional five feet of right of way along the 143rd Avenue, or the applicant shall demonstrate that the existing water line easement conflicts with the dedication of additional right of way;**
- 2. Prior to Preliminary Plat approval by the City Council, the applicant shall submit information regarding the proposed water supply for the development. Information should include aquifer, depths and production flow rates;**
- 3. Prior to Preliminary Plat approval by the City Council, the applicant shall submit soil percolation data shall be submitted for review and approval. If an evapotranspiration system is proposed, plans prepared by a Registered Professional Engineer shall be submitted for review and**

Draft

approval;

4. Prior to Final Plat approval by the City Council, the plat shall be revised to identify a 50 feet wide access point along Country Road;

Pennington County Register of Deeds Recommendation:

5. Prior to Final Plat approval by the City Council, the plat shall be revised to identify the name of the subdivision as North Haines Subdivision;

Pennington County Emergency Services Coordination Center Recommendations:

6. Prior to Final Plat approval by the City Council, the plat shall be revised to identify 143rd Street as 143rd Avenue;

Pennington County Highway Recommendations:

7. Prior to Final Plat approval by the City Council, the applicant shall obtain a variance from the Pennington County Board of Commissioners to allow two access points to the subject property;
8. Prior to Preliminary Plat approval by the City Council, the drainage plan shall be approved;

Urban Planning Division Recommendations:

9. Prior to Final Plat approval by the City Council, the plat shall be revised to include the Finance Officer special assessment certificate;
10. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
11. 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.

Pennington County Planning Recommendation:

12. Prior to Final Plat approval by the City Council, a note shall be added to the plat stating, "a reserve drainfield for on-site wastewater disposal shall be identified during the building permit application process". (7 to 1 with Fast Wolf, Hoffmann, Mashek, Prairie Chicken, Schmidt, Stone and Wall voting yes and Mickelson voting no)

-HEARING CONSENT AGENDA-

Wall 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 29 be removed from the Hearing Consent Agenda for separate consideration. Mickelson requested that Items 20 and 21 be removed from the Hearing Consent Agenda for separate consideration. A member of the audience requested that Items 33 and 34 be removed from the Hearing Consent Agenda for separate consideration. Another member of the audience requested that Item 36 be removed from the Hearing Consent Agenda for separate consideration.

Mashek moved, Hoffmann seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 15 thru 36 in accordance with the staff recommendations with the exception of Items 20, 21, 29, 33, 34 and 36. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone and Wall voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

*15. No. 02PD063 - Red Rock Estates

A request by Dream Design International Inc. to consider an application for a **Planned Development Designation** on a parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; being more particularly described by metes and bounds as follows: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register of Deeds Office in Book 30, Page 155; Thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 feet; thence N11°40'26"E 155.33 feet; thence N21°22'17"E 120.00 feet; thence S68°37'43"E 160.00 feet; thence S21°22'17"W 120.00 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 12°43'49", an arc length of 38.77 feet to a point of tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 34°44'55", and arc length of 105.83 feet to a point of reversed curvature; thence southerly along the arc of said curve to the right whose radius is 125.50 feet and whose delta is 19°48'27", an arc length of 43.39 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point Of Beginning, more generally described as being located along the extension of Birkdale Road off Muirfield Drive.

Planning Commission continued the Planned Development Designation to the June 5, 2003 Planning Commission meeting at the applicant's request.

16. No. 02PL114 - Red Rock Estates

A request by Dream Design International Inc. to consider an application for a **Preliminary and Final Plat** on Lots 7 thru 10, Block 14 and Outlot LS and dedicated streets of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates and less right-of-way located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the extension of Birkdale Road off Muirfield Drive.

Planning Commission recommended that the Preliminary and Final Plat be continued to the June 5, 2003 Planning Commission meeting at the applicant's request.

17. No. 02RZ065 – Red Rock Estates

A request by Dream Design International Inc. to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on a parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; being more particularly described by metes and bounds as follows: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register of Deeds Office in Book 30, Page 155; Thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 feet; thence N11°40'26"E 155.33 feet; thence N21°22'17"E 120.00 feet; thence S68°37'43"E 160.00 feet; thence S21°22'17"W 120.00 feet to a point of curvature; thence southerly along the arc of said curve to the left whose



radius is 174.50 feet and whose delta is $12^{\circ}43'49''$, an arc length of 38.77 feet to a point of tangency; thence $S08^{\circ}38'28''W$ 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is $34^{\circ}44'55''$, and arc length of 105.83 feet to a point of reversed curvature; thence southerly along the arc of said curve to the right whose radius is 125.50 feet and whose delta is $19^{\circ}48'27''$, an arc length of 43.39 feet to a point on said curve; thence $S83^{\circ}41'59''W$ 185.45 feet to the Point Of Beginning; in the SE1/4 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the extension of Birkdale Road off Muirfield Drive.

Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be continued to the June 5, 2003 Planning Commission meeting at the applicant's request.

18. No. 02SV042 - Red Rock Estates

A request by Dream Design International Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install sidewalks and curb and gutter as per Section 16.16 of the Subdivision Regulations** on a parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described by metes and bounds as: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register off Deeds Office in Book 30, Page 155; thence $N03^{\circ}44'30''W$ 140.25 feet; thence $N08^{\circ}38'28''E$ 143.92 Feet; thence $N11^{\circ}40'26''E$ 155.33 Feet; thence $N21^{\circ}22'17''E$ 120.00 Feet; thence $S68^{\circ}37'43''E$ 160.00 feet; thence $N21^{\circ}22'17''E$ 632.95 feet; thence $N68^{\circ}45'17''W$ 12.50 feet; thence $N21^{\circ}22'17''E$ 24.00 feet; thence $S68^{\circ}45'17''E$ 8.37 feet; thence $N21^{\circ}22'31''E$ 32.50 feet; thence $S68^{\circ}45'17''E$ 20.00 feet; thence $S21^{\circ}22'31''W$ 32.50 feet; thence $S68^{\circ}45'17''E$ 45.63 feet; thence $S21^{\circ}22'17''W$ 24.00 feet; thence $N68^{\circ}45'17''W$ 12.50 feet; thence $S21^{\circ}22'17''W$ 124.33 feet; thence $N90^{\circ}00'00''E$ 96.61 feet; Thence $S00^{\circ}00'00''E$ 116.52 feet; thence $S90^{\circ}00'00''W$ 142.20 feet; thence $S21^{\circ}22'17''W$ 129.24 feet; thence $S23^{\circ}37'43''E$ 14.14 feet; thence $S68^{\circ}37'43''E$ 30.17 feet; thence $S21^{\circ}22'17''W$ 40.00 feet; thence $N68^{\circ}37'43''W$ 30.17 feet; thence $S66^{\circ}22'17''W$ 14.14 feet; thence $S21^{\circ}22'17''W$ 314.36 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is $12^{\circ}43'49''$, an arc length of 27.88 feet to a point tangency; thence $S08^{\circ}38'28''W$ 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is $34^{\circ}44'55''$, an arc length of 76.11 feet to a point of reversed curvature; thence southerly along the arc of said reversed curve to the right whose radius 174.50 feet and whose delta is $31^{\circ}36'04''$, an arc length of 96.24 feet to a point of tangency; thence $S05^{\circ}29'36''W$ 86.04 feet; thence $S41^{\circ}39'58''E$ 13.64 feet to a point lying on a curve concave to the south and whose chord bears $N84^{\circ}30'24''W$, 69.00 feet; thence westerly along the arc of said curve to the left whose radius 438.00 feet and whose delta is $09^{\circ}02'07''$, an arc length of 69.07 feet to a point on said curve; thence $N48^{\circ}34'56''E$ 14.64 feet; thence $N05^{\circ}29'36''E$ 84.62 feet to a point of curvature; thence northerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is $11^{\circ}47'37''$, an arc length of 25.83 feet to a point on said curve; thence $S83^{\circ}41'59''W$ 185.45 feet to the Point of Beginning, legally described as the unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, less

Draft

Red Rock Estates and less right-of-way located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the extension of Birkdale Road off Muirfield Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalks be continued to the June 5, 2003 Planning Commission meeting at the applicant's request.

19. No. 03AN003 - Sections 9, 16, and 17, T1N, R8E

A request by the City of Rapid City to consider an application for a **Resolution of Annexation** on 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, 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, the 100 foot South Dakota Railroad Authority right-of-way lying adjacent and north of Lot H2 in the NW1/4NE1/4 and Lot H5 in the NE1/4NW1/4 and Lot H2 in the N1/2SW1/4NE1/4, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; and, Lot H1 amending the original plat of Lot H1 as recorded in Book 9 Hwy of Plats – Page 54 – dated January 5, 1998 in the N1/2NW1/4 of Section 16, T1N, R8E, BHM, Pennington County, South Dakota; and, Lot H1 amending the original plat of Lot H1 as recorded in Book 9 Hwy of Plats – Page 52 – dated January 5, 1998 in the S1/2NW1/4 of Section 16, T1N, R8E, BHM, excepting therefrom the following described land: the west 210 feet of the north 600 feet of the NE1/4SE1/4NW1/4 and the east 190 feet of the north 600 feet of the NW1/4SE1/4NW1/4 of said Section 16; the balance of the S1/2NE1/4SE1/4NW1/4 of said Section 16; and the SW1/4SW1/4SW1/4NW1/4 of said Section 16, Pennington County, South Dakota; and, Lot H1 in the NE1/4SE1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of SD Highway 44, west of Jolly Lane Drive and east of SD Highway 79.

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

22. No. 03CA007 - Superpumper Addition

A request by DLK Engineering for South Creek Village Limited Partnership to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 12.896 acres parcel of land from Residential to General Commercial** on a parcel of land described by metes and bounds as beginning at the SE Section Corner of Section 7, T1N, R8E, BHM ; thence N89°32'15"W a distance of 639.26 feet more or less; thence N00°00'35"W a distance of 50 feet more or less to the True Point of Beginning; this point is the common corner of the South East corner of Lot 2 Fellowship Addition and the South West corner of the remaining balance of Lot 2 Superpumper Addition; thence N00°00'35"W a distance of 610.83 feet more or less; thence N89°29'15"W a distance of 22.78 feet more or less ; thence N00°02'07"E a distance of 330.81 feet more or

less; thence S 89°37'12"E a distance of 211.89 feet more or less; thence S00°01'35"W a distance of 942.35 feet more or less; thence N89°32'15"W a distance of 189.26 feet more or less to the True Point of Beginning, more generally described as being located northwest of the intersection of Cambell Street and Fairmont Boulevard.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 12.896 acres parcel of land from Residential to General Commercial be denied without prejudice.

23. No. 03RZ015 - Superpumper Addition

A request by DLK Engineering for South Creek Village Limited Partnership to consider an application for a **Rezoning from Medium Density Residential District to General Commercial District** on a parcel of land described by metes and bounds as beginning at the SE Section Corner of Section 7, T1N, R8E, BHM ; thence N89°32'15"W a distance of 639.26 feet more or less; thence N00°00'35"W a distance of 50 feet more or less to the True Point of Beginning; this point is the common corner of the South East corner of Lot 2 Fellowship Addition and the South West corner of the remaining balance of Lot 2 Superpumper Addition; thence N00°00'35"W a distance of 610.83 feet more or less; thence N89°29'15"W a distance of 22.78 feet more or less ; thence N00°02'07"E a distance of 330.81 feet more or less; thence S 89°37'12"E a distance of 211.89 feet more or less; thence S00°01'35"W a distance of 942.35 feet more or less; thence N89°32'15"W a distance of 189.26 feet more or less to the True Point of Beginning, more generally described as being located northwest of the intersection of Cambell Street and Fairmont Boulevard.

Planning Commission recommended that the Rezoning request from Medium Density Residential District to General Commercial District be continued to the June 5, 2003 Planning Commission meeting to be heard in conjunction with a Planned Development Designation and a Comprehensive Plan Amendment request.

24. No. 03CA010 – Heartland I-90 Business Park Subdivision

A request by FMG, Inc. for Bypass LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 35.62 acre parcel of land from Light Industrial to General Commercial** on that part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following metes and bounds description: Commencing at an aluminum survey cap at the center of Section 28; thence N48°44'38"E, 1414.78 feet to a point; thence N89°58'15"E, 1188.29 feet to a point; thence N00°01'45"W, 1107.46 feet to a point; thence S89°57'07"E, 399.92 feet to a point along the East Section Line of Section 28; thence S00°01'17"E, 1383.49 feet to a point along the East Section Line of Section 28; thence N89°54'47"W, 32.73 feet to a rebar with survey cap marked "2652"; thence N89°54'47"W, 1292.77 feet to a point; thence S60°29'01"W, 1167.82 feet to a point; thence S74°51'58"W, 321.14 feet to an aluminum survey cap at the center of Section 28 at the point of beginning, more generally described as being located north and west of the intersection of I-90 and Elk Vale Road.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 35.62 acre parcel of land from Light Industrial to General Commercial be approved with the stipulation that a revised legal description be submitted for review and approval prior to City Council approval.

25. No. 03RZ017 - Heartland I-90 Business Park Subdivision

A request by FMG, Inc. for Bypass LLC to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on that part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following metes and bounds description: Commencing at an aluminum survey cap at the center of Section 28; thence N48°44'38"E, 1414.78 feet to a point; thence N89°58'15"E, 1188.29 feet to a point; thence N00°01'45"W, 1107.46 feet to a point; thence S89°57'07"E, 399.92 feet to a point along the east section line of Section 28; thence S00°01'17"E, 1383.49 feet to a point along the east section line of Section 28; thence N89°54'47"W, 32.73 feet to a rebar with survey cap marked "2652"; thence N89°54'47"W, 1292.77 feet to a point; thence S00°01'04"E, 663.68 feet to a point at the south 1/16 corner of the NE1/4 of Section 28; thence N89°48'22"W, 1326.47 feet to an aluminum survey cap at the center of Section 28 at the point of beginning, more generally described as being located north and west of the intersection of I-90 and Elk Vale Road.

Planning Commission recommended that the Rezoning from General Agriculture District to General Commercial District be continued to the June 5, 2003 Planning Commission meeting to be heard in conjunction with a Planned Development Designation request.

26. No. 03CA011 - Section 28, T2N, R8E

A request by FMG Inc. for Bypass LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 9.04 acre parcel of land from General Commercial with a Planned Commercial Development to General Commercial** on that part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota that lies within the following metes and bounds description: Commencing at an aluminum survey cap at the center of Section 28; thence N74°51'58", 321.14 feet to a point; thence N60°29'01"E, 1167.82 feet to a point; thence S00°01'03"E, 663.68 feet to a point at the South 1/16 Corner of the NE1/4 of Section 28; thence N89°48'22"W, 1326.47 feet to an aluminum survey cap at the center of Section 28 at the point of beginning, more generally described as being located northwest of the intersection of Elk Vale Road and Interstate 90.

Planning Commission acknowledged the applicant's request to withdraw the Amendment to the Comprehensive Plan to change the future land use designation on a 9.04 acre parcel of land from General Commercial with a Planned Commercial Development to General Commercial.

*27. No. 03PD015 - Section 25, T2N, R7E

A request by WCL Associates, Inc. for Best Buy Company, Inc. to consider an application for a **Planned Commercial Development - Final Development Plan** on

Draft

Lot 8R, Block 3, in the NW1/4 NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2320 Haines Avenue.

Planning Commission approved the Planned Commercial Development - Final Development Plan with the following stipulations:

Engineering Division Recommendations:

1. The applicant shall obtain a Right of Way work permit prior to any construction in the Right of Way;
2. The applicant shall submit additional information regarding a sediment control plan prior to issuance of a building permit;

Fire Department Recommendations:

3. All Uniform Fire Codes shall be continually met;

Urban Planning Division Recommendations:

4. The landscaping shall be constructed as identified on the site plan as submitted and shall be maintained in a live vegetative state;
5. The architectural style of the building will be constructed as shown on the elevations submitted;
6. The lighting will be constructed in a way as to minimize the impacts on surrounding land uses and direct lighting away from adjacent properties;
7. All signage shall be constructed as shown on the site plan as submitted; and
8. All parking shall be constructed as shown on the site plan as submitted.

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.

28. No. 03VE003 - Section 25, T2N, R7E

A request by WCL Associates, Inc. for Best Buy Company, Inc. to consider an application for a **Vacation of a Non-Access Easement** on Lot 8R in the NW1/4 NE1/4 of Block 3, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2320 Haines Avenue.

Planning Commission acknowledged the applicant's withdrawal of the request to vacate the non-access easement.

30. No. 03PL035 - Miracle Pines Subdivision

A request by Renner & Sperlich Engineering Company for Dean Kelly to consider an application for a **Layout, Preliminary and Final Plat** on Lots B and C of Lot 6, Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6 of Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3960 Corral Drive.

Planning Commission recommended that the Layout, Preliminary and Final

Draft

Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to Preliminary Plat approval by the City Council, the applicant shall provide documentation regarding the suitability of the proposed lots for on-site waste water facilities. A site plan shall be provided identifying the location of all wells and private waste water disposal systems on the subject property and within one hundred fifty feet of the property, and the location of the proposed on-site waste water facilities;
2. Prior to Preliminary Plat approval by the City Council, the applicant shall submit documentation demonstrating that drainage from the proposed development will not adversely affect downstream properties;
3. Prior to Preliminary Plat approval by the City Council, the applicant shall submit documentation identifying access to proposed Lot C utilizing existing right of way located adjacent to the private roadway easement;

Fire Department Recommendations:

4. Prior to Preliminary Plat approval by the City Council, the applicant shall provide a Wildland Fuels Mitigation Plan for review and approval;

Urban Planning Division Recommendations:

5. Prior to Final Plat approval by the City Council, the applicant shall demonstrate that the owner signature certificate on the plat is correct;
 6. Prior to Preliminary Plat approval by the City Council, the applicant shall provide complete engineering plans for dry sewer, curb and gutter, street light conduit, and sidewalks along Corral Drive, or obtain a Subdivision Regulations Variance to waive the required improvements;
 7. Prior to Preliminary Plat approval by the City Council, the applicant shall provide complete engineering plans for paving, water, dry sewer, curb and gutter, street light conduit, and sidewalks for the section line highway abutting proposed Lots C and D, obtain a Subdivision Regulations Variance to waive the required improvements, or vacate this segment of the section line highway;
 8. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
 9. 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.
31. No. 03SV013 - Miracle Pines Subdivision
A request by Renner & Sperlich Engineering Company for Dean Kelly to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, dry sewer, paving and additional right-of-way width on Corral Drive as per Chapter 16.16 of the Subdivision Regulations** on Lots B and C of Lot 6, Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6 of Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3960 Corral Drive.

Draft

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to dedicate an additional 17 feet of right of way along Corral Drive be denied. Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street lights and dry sewer as per Chapter 16.16 of the Subdivision Regulations be approved with the following stipulation:

Urban Planning Division Recommendations:

1. **Prior to Final Plat approval by the City Council, the applicant shall submit a signed Waiver of Right to Protest an assessment district for the required subdivision improvements.**
32. **No. 03SV017 - Clarkson Subdivision**
A request by Steve and Diana Ringler to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and to improve pavement along Sheridan Lake Road and Clarkson Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot A and Lot B of Lot 2 of Block 1, Clarkson Subdivision, located in the NE1/4 of the NE1/4 of Section 31, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Block 1, Clarkson Subdivision, located in the NE1/4 of the NE1/4 Section 31, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 7989 Clarkson Road.

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

Engineering Division Recommendation:

1. **Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment for the improvements.**
- *35. **No. 99UR004 - Section 30, T2N, R8E**
A request by the City of Rapid City to consider the **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.

Planning Commission denied the Revocation of a Conditional Use Permit to allow a car wash in the General Commercial District.

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

---END OF HEARING CONSENT CALENDAR---

Mickelson requested that Items 20 and 21 be considered concurrently.

20. No. 03CA004 - Section 5, T1N, R8E
Comprehensive Plan Amendment - Summary of Adoption Action - to change the future land use designation on an 11.9873 acre parcel of land from Residential to General Commercial on Lot O Revised of Tract A and Lot U Revised of Tract A, all of Schlottman Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and Lots P, Q, R, T, V, W, X, Y, Z and Lots 1 and 2 of Lot S, all of Tract A, Schlottman Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the south 33 foot of the E. St. Andrew Street right-of-way lying north of Lot O Revised and Lots P, Q, R, T and Lots 1 and 2 of Lot S, all of Tract A of Schlottman Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of E. St. Patrick Street and south of SD Highway 44.
21. No. 03CA005 - Section 5, T1N, R8E
Comprehensive Plan Amendment - Summary of Adoption Action - to change the future land use designation on a 24.4962 acre parcel of land from Residential to Light Industrial on Tract B of the E1/2 SE1/4 and Tract C of the SE1/4 SE1/4, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and Lots A, C and D of Tract A of the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots E, F, G, H, I, J, K, L, M and N of Tract A of Schlottman Addition of the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 50 foot E. St. Charles Street right-of-way lying north of Lots A, C and D of Tract A of the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 50 foot E. St. Charles Street right-of-way lying north of Lots E, F, G and H, all of Tract A in Schlottman Addition of SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the north 33 foot of the E. St. Andrew Street right-of-way lying south of Lots I, J, K, L, M and N, all of Tract A of Schlottman Addition, located in the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of E. St. Patrick Street and south of SD Highway 44.

Mickelson expressed concerns with the "more generally described location" on Items 20 and 21. She added that in her opinion it is confusing as to exactly where this property is located and thought it would be better to describe the property as being located south of E. St. Andrew Street.

Elkins stated that staff struggles with accurately describing the generally described locations on applications. Elkins stated that staff would work on making these descriptions less confusing in the future.

Mickelson moved, Stone seconded and carried unanimously to approve both of the Summary of Adoption Actions and authorized publication in the Rapid City Journal. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone and Wall voting yes and none voting no)

*29. No. 03PD018 - Elks Country Estates

A request by Hagen Glass Company for James and Rhoda Blasser to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot 9 of Block 1, Elks County Estates Subdivision, located in the E1/2 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3781 Jolly Lane.

Elkins recommended that the Major Amendment to a Planned Residential Development be continued to the May 22, 2003 Planning Commission meeting as staff made an error in the legal advertisement. She explained that staff has made that correction, re-advertised the public hearing, contacted the applicant and completed the re-notification.

Mashek moved and Schmidt seconded to continue the Major Amendment to a Planned Commercial Development to the May 22, 2003 Planning Commission meeting.

Howard Rice stated that his mother's property abuts the applicant's property and questioned the Major Amendment to a Planned Residential Development.

Elkins explained that the applicant is requesting to add a small addition to the rear of their residence. Elkins added that staff would provide Rice with a site plan.

The vote on the motion unanimously carried to continue the Major Amendment to the May 22, 2003 Planning Commission meeting. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone and Wall voting yes and none voting no)

Fisher requested that Items 33 and 34 be considered concurrently.

33. No. 03PL044 - Knight's Acres Subdivision

A request by D.C. Scott Co. Land Surveyors for Thomas Knight to consider an application for a **Preliminary and Final Plat** on Lot 4R, Lot 5R, and Lot 6 of Knight's Acres Subdivision, shared approach easement, vacated access easement, and dedicated Anderson Road right-of-way located in the N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 4 and Lot 5 of Knight's Acres Subdivision, N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of Longview Road and west of Anderson Road.

34. No. 03SV018 - Knight's Acres Subdivision

A request by D.C. Scott Co. Land Surveyors for Thomas Knight to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and to improve pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 4R, Lot 5R, and Lot 6 of Knight's Acres Subdivision, shared approach easement, vacated access easement, and dedicated Anderson Road right-of-way located in the N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 4 and Lot 5 of Knight's Acres Subdivision, N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County,

South Dakota, more generally described as being located south of Longview Road and west of Anderson Road.

Howard Rice stated that he owns property directly west of the applicant's and expressed his concerns with waiving the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and to improve pavement.

Fisher presented the requests and reviewed staff's recommendations. She added that currently curb, gutter, sidewalk, street light conduit, sewer and water do not exist along Anderson Road. She explained that the Pennington County Highway Department has indicated that there are no current or proposed design plans for Anderson Road and that it would be difficult for the applicant to construct the improvements at this time. She added that staff does support the applicant's request with the stipulation that the applicant sign a waiver of right to protest a future assessment for the improvements.

Discussion followed concerning when it is appropriate to secure a waiver of right to protest outside of the City limits.

In response to a question by Rice, Elkins explained that staff anticipates that a roadway will eventually be extended to the west of Lot 6 to serve development of the rest of the property. She explained that when this occurs, additional improvements would be necessary and an extension of roads would be required.

Stone moved, Hoffmann seconded and unanimously carried to recommend that the Preliminary and Final Plat be continued to the May 22, 2003 Planning Commission meeting to allow the applicant to submit additional storm water information and a revised site plan and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and to improve pavement along Anderson Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

Engineering Division Recommendations:

- 1. Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment for the improvements. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone and Wall voting yes and none voting no)**

***36. No. 03UR005 - Cambell Square Addition**

A request by Steve Wynia for Wyngard Investments, LLC to consider an application for a **Conditional Use Permit to allow a mini storage warehousing facility in a General Commercial Zoning District** on Lot 8 of Cambell Square Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1300 E Centre Street.

Steve Wynia for Wyngard Investments, LLC stated that he opposed continuing the Conditional Use Permit to allow a mini storage warehousing facility in a General Commercial Zoning District and asked the Planning Commission to approve the application with the stipulation that a screening fence be installed.

Marino explained that the original application had some preliminary design aspects that needed to be revised and staff is recommending that the Conditional Use Permit be continued to the May 22, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

Discussion followed concerning submittal of a revised site plan and additional information regarding signage, lighting, screening fence, grading, drainage, landscaping and parking.

Hoffmann moved, Mashek seconded and unanimously carried to continue the Conditional Use Permit to allow a mini storage warehousing facility in a General Commercial Zoning District to the May 22, 2003 Planning Commission meeting to allow the applicant time to submit additional information. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone and Wall voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

37. No. 03CA008 - Section 19, T1N, R8E

A request by Centerline, Inc. for Lazy P-6 Land Company, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 15 acre parcel from Light Industrial to General Commercial** on the west 494 feet of Government Lot 4 in the SW1/4 of Section 19, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of the SE quadrant of proposed 5th Street and Catron Boulevard intersection.

Bulman presented the request and reviewed the slides and staff's recommendation. She advised that the Future Land Use Committee has recommended that the north 270 feet of this 15 acre parcel be approved to change the land use designation from Light Industrial to General Commercial as requested and that the balance be resubmitted to change the land use designation from Light Industrial to Office Commercial.

In response to a question by Hoffmann, Elkins stated that the Planning Commission denied an 11-6-19 SDCL Review to construct a street within a Section Line Highway in September of 2002. The applicant appealed that decision and in February of 2003 the City Council approved the 11-6-19 SDCL Review allowing the road within a Section Line Highway to remain gravel for the existing storage units and two or three more additional storage units.

Hoffmann expressed his concerns with the public hearing process and the number of changes that have been made to the Comprehensive Plan for this area.

Elkins explained that the Future Land Use Committee has also expressed concerns with the number of changes; however, they felt the requested changes would allow less intense development than currently permitted. She added that the City Council asked staff to contact adjacent landowners and make them aware of any Comprehensive Plan Amendments for this area. She stated that Bulman has not

received any calls opposing this request.

Discussion followed concerning having another public hearing in this area.

Mashek stated she understands Hoffmann's concerns but she supports this application due to its less intensive use.

Mashek moved, Stone seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 15 acre parcel from Light Industrial to General Commercial be approved for the north 270 feet only of the 15 acre parcel and allow the applicant to resubmit an application to change the South Robbinsdale Neighborhood Area Future Land Use Plan from Light Industrial to Office Commercial on the balance of the parcel. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone and Wall voting yes and none voting no)

38. No. 03CA009 - Section 19, T1N, R8E

A request by Centerline, Inc. for Lazy P-6 Land Company, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a five acre parcel from Light Industrial to General Commercial** on the west 494 feet of Government Lot 3 less the north 900 feet in the NW1/4 SW1/4 of Section 19, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located in the SE quadrant of proposed 5th Street and Catron Boulevard intersection.

Bulman presented the request and added that the Future Land Use Committee approved the change in the land use designation from Light Industrial to General Commercial.

Stone moved, Mashek seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a five acre parcel from Light Industrial to General Commercial be approved. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone and Wall voting yes and none voting no)

Elkins requested that Items 39 and 40 be considered concurrently.

*39. No. 03PD017 – Owen Mann Subdivision

A request by TSP Three, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 10A, Block 1, Owen Mann Subdivision; and Lots 12 thru 16 less Lot H-2 and H-3, Block 1, Owen Mann Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection West Chicago and 32nd Street.

40. No. 03VR001 - Owen Mann Subdivision

A request by TSP Three, Inc. to consider an application for a **Vacation of Right-of-**

Draft

Way on Lot 10A, Block 1, Owen Mann Subdivision; Lots 12 thru 16 less Lot H-2 and H-3, Block 1, Owen Mann Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in a portion of the cul-de-sac along Kinney Court.

Elkins stated that staff recommends that the Planned Commercial Development - Initial and Final Development Plan and the Vacation of Right-of-Way be continued to the June 5, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

Stone moved, Hoffmann seconded and unanimously carried to continue the Planned Commercial Development - Initial and Final Development Plan and the Vacation of Right-of-Way to the June 5, 2003 Planning Commission meeting to allow the applicant to submit revised information as well as additional information. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone and Wall voting yes and none voting no)

*41. No. 03PD019 - Meridian Subdivision

A request by Cobb Sign Company, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot A and Lot B of 5R, Meridian Subdivision, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1180 N. Lacrosse Street.

Elkins advised that staff recommends that the Major Amendment to a Planned Commercial Development be continued to the May 22, 2003 Planning Commission meeting to allow the applicant to document the completion of the legal notification as required by ordinance.

Stone moved, Hoffmann seconded and unanimously carried to continue the Major Amendment to a Planned Commercial Development to the May 22, 2003 Planning Commission meeting. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone and Wall voting yes and none voting no)

42. No. 03PL043 - Section 20, T2N, R7E

A request by Davis Engineering, Inc. for Verlyn and Cindy Bourne to consider an application for a **Layout Plat** on Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 5511 Hidden Valley Lane.

Fisher presented the request and reviewed the slides of the subject property and staff's recommendation.

Discussion followed concerning the improvement of Hidden Valley Lane as a local road with curb, gutter, street light conduit, sewer, water, and additional pavement and current road design standards.

Mike Larson advised that he is attempting to purchase a piece of property from the applicant to build a house. Larson expressed his concerns with Stipulation #8 and

asked the Planning Commission to approve a Special Exception to the Street Design Criteria Manual to allow access from a principal arterial street in lieu of a lesser order street.

In response to a question by Schmidt, Fisher advised that there is the option of constructing a road to the north but the property owner is opposed to this option as it would encroach onto his property and she suggested that Larson visit with the adjoining property owners to see if they would grant him an easement.

Larson stated that he has talked to the adjoining property owners and they both access Hidden Valley Road not Hidden Valley Lane.

Mickelson expressed concerns the approach permit and the number of stipulations outlined in the staff report.

Fisher explained that the stipulations outlined in the staff report are basically a check list for the petitioner to be clear on what needs to be brought forth, or what variances or special exceptions are necessary. Fisher added that if the access road comes from the north and the approach is eliminated, staff would be comfortable recommending approval of the Layout Plat.

In response to a question by Stone, Larson advised that Knute Swenson owns the property to the west and has obtained a building permit from Pennington County to build a house and has already constructed an access to Hidden Valley Road.

Discussion followed concerning the maintenance agreement for Hidden Valley Road and the City limit boundaries.

In response to a question by Stone, Elkins advised that this property is adjacent to the City limits and it is anticipated that over time that this area will be much denser than Countyside Subdivision. Elkins added that eventually utilities will be extended to this area and development of smaller lots will occur.

In response to a question by Stone, Fisher explained that Hidden Valley Road is a paved road. She noted that it is not constructed to any design criteria and it was constructed without a permit from either the County or the City.

Discussion followed concerning annexation, principal arterials, waivers of right to protest and a Variance to the Subdivision Regulations.

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

Engineering Division Recommendations:

- 1. Upon submittal of a Preliminary Plat, 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 or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show a drainfield easement for the existing and proposed drainfield and a reserve**

Draft

- drainfield easement for the future location of a replacement drainfield on each lot;
2. Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be submitted for review and approval. In addition, the plat document shall be revised to show the location of the community well located north of proposed Lot A. A well agreement to allow the community well to serve the subject property shall be submitted for review and approval and the applicant shall demonstrate that the well provides adequate domestic water flows. If a separate well is proposed for proposed Lot B, then the location of the well shall be identified and the applicant shall also demonstrate that the well provides adequate domestic water flows. In addition, the plat document shall be revised to show utility and maintenance easement(s) for the well(s) as necessary;
 3. Upon submittal of a 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 showing the location of utilities, storm drainage, curb, gutter, street light conduit, sidewalk and pavement improvements for all adjacent roadways;
 4. Upon submittal of a Preliminary Plat, a complete drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;
 5. Upon submittal of a Preliminary Plat, road construction plans for Hidden Valley Road shall be submitted for review and approval. In particular, an additional 17 feet of right-of-way shall be dedicated for that portion of Hidden Valley Road that abuts the subject property. In addition, the road shall be constructed as a principal arterial street with curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 6. Upon submittal of a Preliminary Plat, road construction plans for Hidden Valley Lane shall be submitted for review and approval. In particular, the road shall be constructed with a 27 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 7. Upon submittal of a Preliminary Plat, the plat document shall be revised to show an access easement extending south from Hidden Valley Lane to serve proposed Lot B. In addition, road construction plans shall be submitted for review and approval. In particular, the road shall be constructed with a minimum 49 foot wide right-of-way and a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer and an all weather turnaround at the end of Hidden Valley Lane or a Variance to the Subdivision Regulations shall be obtained;
 8. Upon submittal of a Preliminary Plat, the plat document shall be revised to show a non-access easement along Hidden Valley Road or a Special Exception to the Street Design Criteria Manual shall be obtained to allow access from a principal arterial street in lieu of a lesser order street or a

Draft

Comprehensive Plan Amendment to the Major Street Plan relocating the principal arterial street shall be obtained.

9. Upon submittal of a Preliminary Plat, the road shall be reconstructed with a gradient not to exceed 10% as per the Street Design Criteria Manual or a Special Exception to the Street Design Criteria Manual shall be obtained;
10. Upon submittal of the Preliminary Plat, Hidden Valley Lane shall be redesigned to meet the minimum design standards for a cul-de-sac roadway which shall not exceed 500 feet in length with a turnaround at the closed end or a Special Exception to the Street Design Criteria Manual shall be obtained. If a Special Exception is obtained to extend the length of the cul-de-sac, then intermediate turnaround(s) at intervals not to exceed 600 feet shall be provided or a Special Exception to the Street Design Criteria Manual shall also be obtained;
11. The Special Exception to allow access from Hidden Valley Road, a principal arterial street, in lieu of a lesser order street as required by the Street Design Criteria Manual is hereby denied;

Pennington County Highway Department Recommendation:

12. Upon submittal of a Preliminary Plat, the existing approach located along Hidden Valley Lane shall be removed. If a Special Exception is granted to allow access to proposed Lot B from Hidden Valley Lane or a Comprehensive Plan Amendment to the Major Street Plan to relocate the principal arterial street obtained, then the applicant shall submit an approach permit for review and approval;

Fire Department Recommendations:

13. Upon submittal of a Preliminary Plat, 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;
14. Upon submittal of a Preliminary Plat, the applicant shall demonstrate fire department apparatus access to each lot. In particular, the plat document shall be revised to show an all weather surface emergency vehicle turnaround on each lot for any driveway in excess of 150 feet in length;

Urban Planning Division Recommendations:

15. Prior to approval of the Preliminary Plat and after approval of the Layout Plat, the property shall be annexed into the incorporated City limits of Rapid City;
16. Prior to approval of the Final Plat, the property shall be rezoned to allow the proposed residential development and the Rapid City Area Long Range Comprehensive Plan shall be amended accordingly;
17. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a 10 foot wide planting screen easement along the south lot line of proposed Lot B. The planting screen easement shall be shown on the plat so as not to interfere with any lot line utility and/or drainage easements;
18. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
19. Prior to Final Plat approval by the City Council surety for any required

Draft

subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (7 to 1 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt and Wall voting yes and Stone voting no)

Bulman requested that Items 43 and 44 be considered concurrently.

43. No. 03TI005 - Sumperpumper Addition

A request by Gandolf Group, LLC to consider an application for a **Resolution Creating a Tax Increment Financing District** on Lot 2, Superpumper Addition, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the N1/2 N1/2 E1/2 SE1/4 SE1/4 less the east 90 feet, Seciton 7, T1N, R8E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located west of South Highway 79 and north of East Fairmont Boulevard.

44. No. 03TI006 - Sumperpumper Addition

A request by Gandolf Group, LLC to consider an application for a **Tax Increment Financing District - Project Plan** on Lot 2, Superpumper Addition, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the N1/2 N1/2 E1/2 SE1/4 SE1/4 less the east 90 feet, Seciton 7, T1N, R8E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located west of South Highway 79 and north of East Fairmont Boulevard.

Bulman presented the requests and reviewed the slides of the subject property and staff's recommendation. Bulman explained that the creation of this Tax Increment District would facilitate the development of South Creek Village, a 72 unit low income cottage style housing development, in the area west of SD Highway 79 and north of East Fairmont Boulevard. She further explained that the proposed project is for East Oakland Street improvements, sidewalks and storm drainage along East Oakland Street and the extension of sewer and water to the site at an estimated cost of \$660,000. Bulman advised that the Tax Increment Fiancing Review Committee has reviewed the request and found that the proposed project complied with all applicable statutory requirements and met two optional criteria and three discretionaly criteria.

In response to a question by Hoffmann, Elkins advised that the South Dakota Department of Transportation has been working on plans to improve this particular stretch of Cambell Street. She added that the South Dakota Department of Transportation is reviewing four options including the signalized intersection of Oakland Street.

Mickelson stated that in her opinion this project does not meet the statutory requirements. She also expressed her concern with the number of Tax Increment Financing Districts that have been approved in Rapid City.

Discussion followed concerning the additional cost to homeowners, low income housing needs, public hearings, Infrastructure Development Partnership Fund, development, federal funding and Community Development Block Grants.

Mickelson requested that staff provide her wiith a list of all of the Tax Increment

Draft

Financing Districts #1 thru 39; Resolution 43, Project Plan Resolution, and a list of the Infrastructure Development Partnership Fund projects. Mickelson stated that she does not support this Tax Increment Financing District.

Schmidt stated that in his opinion he agreed with Mickelson that this area will be developed without a Tax Increment Financing District and noted that he planned to vote against this project.

Green reviewed the language in the statute with regard to blight and open areas. He added that the City Attorney's Office is of the opinion that this property does not meet the state law requirement that it is at least 25% blighted. He expressed his opinion that there is no obsolete platting, diversity of ownership, deterioration of structures or site improvements and that there is no substantial impairment of the development of the community as a result of this piece of property.

Discussion followed concerning the expansion and use of Tax Increment Financing Districts, Infrastructure Development Partnership Fund projects, affordable housing, community needs, tax credits, Community Development Block Grants, blight issues and other funding sources.

Hoffmann stated that he supports this Tax Increment Financing District request but also expressed concerns with the number of Tax Increment Financing Districts that have been approved recently and suggested that the City Council and Planning Commission re-evaluate the guidelines for Tax Increment Financing Districts.

Schmidt moved and Mickelson seconded to deny the Resolution Creating a Tax Increment Financing District and the Tax Increment Financing - Project Plan.

In response to a question by Prairie Chicken, Dave Kallemeyn, DLK Engineering explained that there would be 72 rental units in 12 buildings. He reviewed the construction of East Oakland Street and the use of Tax Increment Financing funds. Kallemeyn asked that the Planning Commission defeat the motion and approve this Tax Increment Financing District.

A lengthy discussion followed.

The vote on the motion to deny the the Resolution Creating a Tax Increment Financing District and the Tax Increment Financing - Project Plan carried. (5 to 3 with Fast Wolf, Mashek, Mickelson, Schmidt, and Stone voting yes and Hoffmann, Prairie Chicken and Wall voting no)

*45. No. 03UR004 - Brookside #3 Subdivision

A request by South Canyon Lutheran Church to consider an application for a **Major Amendment to a Conditional Use Permit to allow the expansion of a childcare facility** on Lots 1 thru 7 and the N1/2 of vacated West South Street adjacent to Lot 1, Block 10, Brookside #3 Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 700 44th Street.

Draft

Elkins stated that staff is recommending that the Major Amendment to a Conditional Use Permit to allow the expansion of childcare facility be continued to the May 22, 2003 Planning Commission meeting.

Hoffmann moved, Schmidt seconded and unanimously carried to continue the Major Amendment to a Conditional Use Permit to allow the expansion of a childcare facility to the May 22, 2003 Planning Commission meeting to allow the applicant to submit revised information. (8 to 0 with Fast Wolf, Hoffmann, Mashek, Mickelson, Prairie Chicken, Schmidt, Stone and Wall voting yes and none voting no)

46. No. 03VR002 - Schnasse Addition

A request by Dream Design International, Inc. to consider an application for a **Vacation of Right-of-Way** on Lots 1 thru 3 of Block 7 of Schnasse Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 225 East Watertown Street.

Elkins explained that staff has not received a corrected exhibit or letters back from the utility companies and added that staff is recommending that the Vacation of Right-of-Way be denied without prejudice.

Hoffmann and Fast Wolf left the meeting.

Mickelson moved, Stone seconded and unanimously carried to recommend that the Vacation of Right-of-Way be denied without prejudice. (6 to 0 with Mashek, Mickelson, Prairie Chicken, Schmidt, Stone and Wall voting yes and none voting no)

47. Discussion Items

- A. Proposed Amendments to Section 17.50.270(G) Maintenance - Markings, and Section 17.50.270(H)(9) Addition of Accessible Parking in Existing Parking Lots

Elkins explained that Trish Anderson has been working on these amendments and recently submitted her resignation due to family commitments. Elkins asked that the Planning Commission table this item until staff time is available.

Mashek moved, Prairie Chicken seconded and unanimously carried to table the proposed Amendments to Section 17.50.270(G) Maintenance - Markings, and Section 17.50.270(H)(9) Addition of Accessible Parking in Existing Parking Lots. (6 to 0 with Mashek, Mickelson, Prairie Chicken, Schmidt, Stone and Wall voting yes and none voting no)

48. Staff Items

- A. Planning Department Position Openings

Elkins stated that she has advertised the two vacant positions within the Planning Department Elkins anticipates scheduling interviews by the 1st of June.

- B. Annual Report

Draft

Elkins presented the Planning Department's Annual Report. She stated that she appreciates Sharlene Mitchell's hard work and added that Mitchell did an excellent job summarizing activities from the previous year.

49. Planning Commission Items

A. Comprehensive Plan Amendments

In response to a question by Mickelson, Elkins advised that the Ordinance Amendment regarding Comprehensive Plan Amendments was approved by City Council on April 21, 2003 and will become effective 20 days after it is advertised in the paper.

Elkins stated that she wanted to make the Planning Commission aware of a problem that was discovered after these last amendments. She explained that Major Street Plan amendments are an element of the Comprehensive Plan and as such would require notification of every property owner within the City limits of Rapid City and the three mile area. Elkins explained that staff will be presenting amendments to the ordinance in the near future to try to correct this problem and eliminate the extensive notification costs.

B. Training Session - Tax Increment Financing District Policy

Lengthy discussion followed concerning revising the Tax Increment Financing District Policy.

Prairie Chicken moved, Stone seconded and unanimously carried to direct staff to schedule a training session for Planning Commission members regarding Tax Increment Financing District Policy. (6 to 0 with Mashek, Mickelson, Prairie Chicken, Schmidt, Stone and Wall voting yes and none voting no)

There being no further business Stone moved, Mickelson seconded and unanimously carried to adjourn the meeting at 9:25 a.m. (6 to 0 with Mashek, Mickelson, Prairie Chicken, Schmidt, Stone and Wall voting yes and none voting no)