



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 22, 2001

MEMBERS PRESENT: Pam Lang, Mel Prairie Chicken, Dawn Mashek, Dave Parker, Amber Solay, Paul Swedlund, Bob Wall, and Stuart Wevik. Alan Hanks, Council Liaison was also present.

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

Chairperson Lang called the meeting to order at 7:00 a.m. She welcomed newly appointed Planning Commissioner Dawn Mashek to her first Planning Commission meeting.

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

Staff requested that Item 18 be removed from the Consent Agenda for separate consideration. Lang requested that Items 5 and 15 be removed from the Consent Agenda for separate consideration. Larry Nelson requested that Item 17 be removed from the Consent Agenda for separate consideration.

Wevik moved, Solay seconded and carried unanimously to recommend approval of the Consent Agenda Items 1 through 21 in accordance with the staff recommendations with the exception of Items 5, 15, 17 and 18. (8 to 0)

1. Approval of the March 8, 2001 Planning Commission Meeting Minutes.
2. No. 00PD057 - Walpole Heights Subdivision
A request by SDC, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development to allow a motel and restaurant** on Tract A Revised, Tract C Revised and Tract D, Walpole Heights Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2710 Mount Rushmore Road.

Planning Commission recommended that the Major Amendment to a Planned Commercial Development be continued to the April 5, 2001 Planning Commission meeting to allow the applicant to submit additional information.

3. No. 00OA010 - Ordinance Amendment
A request by City of Rapid City to consider an application for an Ordinance amending Sections 17.22.040E and 17.24.040E to exclude off-street parking and loading facilities from the lot coverage calculation.

Planning Commission recommended that the Ordinance Amendment be denied without prejudice.





4. No. 00PL122 - White Tail Meadows

A request by Paul Hunt to consider an application for a **Layout Plat** on SW1/4 of the NW1/4 and the NW1/4 of the SW1/4 of Section 13, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located approximately 1/2 mile north of the intersection of S.D. Highway 44 and Anderson Road on the east side of Anderson Road.

Planning Commission recommended that the Layout Plat be continued to the April 5, 2001 Planning Commission meeting.

6. No. 01RZ001 - Section 8, T1N, R7E

A request by Fisk Engineering for John Skulborstad to consider an application for a **Rezoning from the Park Forest District to the Office Commercial District** on a portion of Lot F-1 of Fish Hatchery Subdivision, located in the North Half (N1/2) of the Southeast One Quarter (SE1/4) and in the Northeast One Quarter (NE1/4) of the Southwest One Quarter (SW1/4) of Section Eight (8) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of Lot F-1 of Fish Hatchery Subdivision; Thence, S 51 degrees 31 minutes 28 seconds W, a distance of 210.39 feet more or less, along the Highway 44 Right-of-Way to a point of curvature; Thence, following the Highway 44 Right-of-Way along a curve to the right, said curve has a radius of 1095.92 feet and a length of 110.78 feet, chord bearing of S 54 degrees 23 minutes 15 seconds W, a chord distance of 110.73 feet more or less; Thence, N 42 degrees 46 minutes 16 seconds W, 268.89 feet more or less to the north line of Lot F-1 of Fish Hatchery Subdivision; Thence, S 89 degrees 44 minutes 15 seconds E, 437.33 feet more or less, along the north line of Lot F-1 to the point of beginning. Said tract of land contains 1.00 Acres, more or less, more generally described as being located west of the intersection of Jackson Boulevard and Chapel Lane.

Planning Commission recommended that the Rezoning from the Park Forest District to the Office Commercial District be continued to the April 5, 2001 Planning Commission meeting to be considered in conjunction with a Planned Development Designation.

7. No. 01PL006 - Sweetbriar Heights Subdivision

A request by D.C. Scott Co. Land Surveyors for Marjorie A. Fordyce to consider an application for a **Preliminary and Final Plat** on Lot 34A and Lot 34B of Lot 34 of Lot D of Sweetbriar Heights and 9.7' wide easement for irrigation ditch and drainage in Lot 34B, located in the SE1/4 NW1/4 of Section 10, T1N, R8E of the BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Sweetbriar Street and Knox Street.

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





Engineering Division Recommendation:

1. Prior to City Council approval of the Final Plat, a note shall be placed on the plat stating that the lowest opening elevation(s) of all new structures shall be located a minimum of one foot above the street elevation;

County Highway Department Recommendation:

2. Prior to City Council approval of the Final Plat, the applicant shall enter into an agreement with Pennington County to insure that the applicant's portion of the road improvements along Sweetbriar Street are completed once the County has completed its portion of the improvements;
3. Prior to City Council approval of the Final Plat, the plat shall be revised to show a twenty-five (25) foot wide drainage easement located along the front lot line;

Urban Planning Division Recommendations:

4. Prior to City Council approval of the Final Plat, the plat shall be revised to comply with lot length to width requirements or a Variance to the Subdivision Regulations shall be obtained;
 5. Prior to City Council approval of the Final Plat, a subdivision estimate form shall be submitted and all subdivision inspection fees shall be paid; and,
 6. Prior to City Council approval of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted. In addition, surety shall be posted for the road construction plans.
8. No. 01PL007 - Fish Hatchery Subdivision
A request by Fisk Engineering for John Skulborstad and Peter Torino to consider an application for a **Preliminary and Final Plat** on Lot 1 of Lot F-1, Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the Cleghorn Fish Hatchery on U.S. Highway 44 West.

Planning Commission recommended that the Preliminary and Final Plat be continued to the April 5, 2001 Planning Commission meeting to allow the applicant to submit additional information.

9. No. 01PD003 - Fish Hatchery Subdivision
A request by Fisk Engineering for John Skulborstad and Peter Torino to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 1 of Lot F-1, Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the Cleghorn Fish Hatchery on U.S. Highway 44 West.





Planning Commission recommended that the Planned Development Designation be continued to the April 5, 2001 Planning Commission meeting to be heard in conjunction with a rezoning request.

10. No. 01SV004 - Sweetbriar Heights Subdivision

A request by D.C. Scott Co. Land Surveyors for Marjorie A. Fordyce to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for curb, gutter, sidewalks and street light conduit and to allow a lot more than twice as long as it is wide** on Lot 34A and Lot 34B of Lot 34 of Lot D of Sweetbriar Heights and 9.7' wide easement for irrigation ditch and drainage in Lot 34B, located in the SE1/4 NW1/4 of Section 10, T1N, R8E of the BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Sweetbriar Street and Knox Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement for curb, gutter, sidewalks and street light conduit be denied and that the Variance to the Subdivision Regulations to allow a lot more than twice as long as it is wide be approved.

11. No. 01SV005 - Fish Hatchery Subdivision

A request by Fisk Engineering for John Skulborstad and Peter Torino to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for sewer, water, street light conduit and sidewalks** on Lot 1 of Lot F-1, Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the Cleghorn Fish Hatchery on U.S. Highway 44 West.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement for sewer, water, sidewalk and street light conduit be continued to the April 5, 2001 Planning Commission meeting to be heard in conjunction with a Preliminary and Final Plat on the subject property.

12. No. 01RD001 - Section 22, 23, 26 and 27, T1N, R7E

A request by Jerald and Luane Johnson and Everett and Ruth Call to consider an application for a resolution naming the existing unnamed roadway which is primarily located along the north/south section line located between Sections 26 & 27 and Sections 22 & 23 in T1N, R7E, BHM and also located in the NE ¼ NE1/4 of Section 27, T1N, R7E, BHM and E1/2 of SE1/4 of Section 22, T1N, R7E, BHM and all located within Rapid City, Pennington County, South Dakota to "Black Hills Boulevard".

Planning Commission recommended that the Resolution naming the unnamed roadway to "Black Hills Boulevard" be continued to the April 5, 2001 Planning Commission meeting to allow the petitioners to submit a new proposed street name.





13. No. 01UR009 - Robbinsdale Terrace Addition No. 2

A request by Janet Determan to consider an application for a **Use on Review to allow a Child Care Center in the Low Density Residential Zoning District** on the east 18.1 feet of Lot 10 and the west 43.4 feet of Lot 11, Block 7, Robbinsdale Terrace Addition No. 2, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 18 Fairmont Boulevard.

Planning Commission recommended that the Use on Review to allow a Child Care Center in the Low Density Residential Zoning District be denied without prejudice at the applicant's request.

14. No. 01PL012 - Windmere Subdivision

A request by Ron Sjodin for Tom and Bonnie Relf to consider an application for a **Lot Split** on Lot 13R and 14R of Block 4 of Windmere Subdivision, formerly Lot 13 and Lot 14 of Block 4 of Windmere Subdivision, located in the NE1/4 of the NE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located on Meadow Lane west of the intersection of Haystack Lane and Meadow Lane.

Planning Commission recommended that the Lot Split be approved with the following stipulations:

Engineering Division Recommendations:

1. **Prior to approval by the City Council, the plat shall identify an eight foot drainage and utility easement along the front property line;**

Urban Planning Division Recommendations:

2. **Prior to approval by the City Council, the applicant shall provide confirmation from all affected utilities that no utilities are located in the exiting side yard utility easement that is being reconfigured by this plat; and,**
3. **Prior to approval by the City Council, the applicant shall provide a structure location drawing to insure that there are no setback violations.**

16. No. 01PD009 - Fox Run Subdivision

A request by Al Berreth for Rapid City Regional Hospital to consider an application for a **Major Amendment to a Planned Residential Development to increase the lot coverage from 30% to 31.6%** on Lot 1 of Block 1 of Fox Run Subdivision, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 605 Fox Run Drive.

Planning Commission recommended that the Major Amendment to a Planned Residential Development to increase the lot coverage from 30% to 31.6% be approved with the following stipulations:

Fire Department Recommendations:

1. **Prior to issuance of a Building Permit, the applicant shall provide complete plans identifying that a fire sprinkler system will be installed**





in the entire assisted living facility;

Building Inspection Division Recommendations:

2. A Building Permit shall be obtained prior to any construction;
3. A Certificate of Occupancy shall be obtained prior to occupying the building addition;

Urban Planning Division Recommendations:

4. All provisions of Section 17.50.270, the Minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met;
5. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met;
6. The height of the structure shall not exceed three stories or 35 feet; and,
7. That any further development of this property shall require a Major Amendment to the Planned Residential Development.

19. No. 01PL014 - Valley Ridge Subdivision - Phase V

A request by Dream Design International to consider an application for a **Preliminary and Final Plat** on Lots 9-11, Block 4; Lots 1-3 and Lots 8-17, Block 6; and dedicated streets, Valleyridge Subdivision - Phase V, located in the NE1/4 SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the northern terminus of Pennington and Haakon Streets.

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

Engineering Division Recommendation:

1. Prior to Planning Commission approval of the Preliminary Plat, road construction plans shall be submitted for review and approval. The road construction plans shall identify a temporary turn around located at the end of Haakon Street;

County Highway Department Recommendation:

2. Prior to City Council approval of the Final Plat, the detention pond known as Detention Cell #103 located north of the property shall be completed;

Pennington County Fire Coordinator Recommendation:

3. Prior to City Council approval of the Final Plat, fire hydrants shall be installed in accordance with the Uniform Fire Code;

Urban Planning Division Recommendations:

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





20. No. 01PL015 - Trailwood Village

A request by Doug Sperlich for Gordon Howie to consider an application for a **Final Plat** on Lot A of Block 13 of Trailwood Village (formerly a portion of Tract T of Trailwood Village, and Lot 1 of the NE1/4 of the SE1/4 of Section 10, T1N, R8E, BHM) Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Mercury Drive and East 53rd Street.

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

Engineering Division Recommendations:

1. **Prior to approval by the City Council, the plat shall identify an front yard eight foot drainage and utility easement along Mercury Street; and**

Emergency Service Communication Center Recommendations:

2. **Prior to approval by the City Council, the street name "East 53rd Street shall be changed to "Reservoir Road".**

21. No. 01PL016 - Valleyridge Subdivision - Phase VI

A request by Dream Design International to consider an application for a **Preliminary and Final Plat** on Lot 19, 20, 21, 22, 23, 24, 25, Block 6 and Lot 8, 9, 10, 11, 12, 13, 14, Block 7 and Lot 2, 3, 4, 5, Block 8, and Lot 1, 2, 3, 4, 5, 6, 7, 8, Block 9 and Lot 1, 2, 3, 4, 5, 6, 7, Block 10 and dedicated streets, Valley Ridge Subdivision Phase VI located in NE1/4 of SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located along the intersections of Solitaire Drive, Lawrence Street, and South Pitch Drive.

Planning Commission recommended that the Preliminary and Final Plat be continued to the April 5, 2001 Planning Commission meeting to allow the applicant time to submit the required information.

---END OF CONSENT CALENDAR; BEGINNING OF REGULAR AGENDA ITEMS---

Lang advised that she would abstain from voting on Items 5 and 15.

5. No. 00PL128 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Preliminary & Final Plat** on Lots 1-4, Block 6, of Red Rock Estates Phase 1A located in the NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Sheridan Lake Road.

15. No. 01PD008 - Red Rock Estates - Phase 1A

A request by Dream Design International to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on a tract of land located in the Southwest One-Quarter of the Northeast One-Quarter (SW1/4 NE1/4) of Section Twenty-Nine (29), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, more fully described as follows: Beginning at the Northeast corner of Lot One (1)





of Block Two (2) of Red Rock Estates, Rapid City, Pennington County, South Dakota, as shown on the plat recorded on October 5, 2000 and filed in Plat Book 29 on Page 202; Thence, North 75 degrees; 02 minutes, 00 seconds East, along the northerly edge of the dedicated right-of-way shown as Muirfield Drive, a distance of 52.00 feet to the easterly edge of said right-of-way and the point of beginning; Thence, North 75 degrees, 02 minutes, 00 seconds East, a distance of 160.00 feet; Thence South 14 degrees, 58 minutes, 00 seconds East, a distance of 449.76 feet; Thence South 75 degrees, 02 minutes, 00 seconds West, a distance of 160.00 feet; Thence North 14 degrees, 58 minutes, 00 seconds West, along the easterly edge of Muirfield right-of-way, a distance of 449.76 feet, to the point of beginning. Said tract of land contains 1.65 acres, more or less, more generally described as being located west of Sheridan Lake Road northeast of the intersection of Prestwick Road and Muirfield Drive.

Wevik moved, Soley seconded and carried to recommend that the Preliminary & Final Plat be approved with the following stipulations:

Engineering Division Recommendation:

- 1. Prior to Final Plat approval by the City Council, the drainage plans shall be revised and submitted for review and approval;**
- 2. Prior to any additional platting, a revised Master Plan shall be submitted for review and approval. In particular, the revised Master Plan shall address the alignment of the proposed minor arterial road located along the east lot line, the length of the proposed cul-de-sac(s) and identify the proposed collector road(s) within the development;**

Urban Planning Division Recommendations:

- 3. Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement with the City that precludes the issuance of a building permit until such time as a Contractor's Bid has been awarded for the construction of the water lines and the sewer lines and a Notice to Proceed has been granted. The City shall review and concur with the Contractor's Bid(s) and the Notice to Proceed prior to the Contractor's Bid(s) being awarded. In addition, the agreement shall stipulate that a Certificate of Occupancy shall not be issued until such time as the water and sewer lines are extended to the individual lot(s);**
- 4. Prior to City Council approval of the Final Plat, the applicant shall make all outstanding payments as required by the Infrastructure Partnership Development Fund loan agreement;**
- 5. Prior to City Council approval of the Final Plat, a subdivision estimate form shall be submitted and all subdivision inspection fees shall be paid; and,**
- 6. Prior to City Council approval of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted; and,**

to recommend that the Planned Residential Development - Initial and Final





Development Plan be approved with stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval of the Final Development Plan, revisions to the drainage plan shall be submitted for review and approval;
2. Prior to City Council approval of the Final Development Plan, a revised lighting plan shall be submitted for review and approval. In addition, any required operational and/or maintenance cost agreements shall be executed;

Fire Department Recommendations:

3. Prior to issuance of a Certificate of Occupancy, all fire codes shall be met;

Air Quality Recommendation:

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

Building Inspection Division Recommendations:

5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
6. Upon submittal of a building permit, Architect/Engineered stamped plans shall be submitted;

Urban Planning Division Recommendations:

7. Any revisions to the Master Plan eliminating on-street parking along Muirfield Drive shall require that visitor parking be provided elsewhere within the Planned Residential Development;
8. All provisions of the Low Density Residential Zoning District shall be met unless otherwise authorized; and,
9. The proposed townhome development shall conform architecturally to the plans and elevations submitted as part of this Planned Residential Development. (7 to 0 with Lang abstaining)

17. No. 01RZ006 - Section 18, T1N, R8E

A request by Gary Renner for Rapid City School District to consider an application for a **Rezoning from Low Density Residential District to Light Industrial District** on NE1/4 of the SE1/4 of the NE1/4 less the east 400 feet, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the west side of S.D. Highway 79 between East Fairmont Boulevard and East Minnesota Street.

Larry Nelson, Richland Mobile Home Park, advised that there are 138 mobile homes located on the property adjacent to this location. He expressed concern that the use of 60 busses at this location would cause excessive traffic, noise, and air pollution. He expressed concern that the noise created by these busses starting in the morning may exceed the maximum decibel limit as identified in City code. He discussed another mobile home park that ultimately was buffered from the noise created by diesel trucks by a row of storage sheds. He expressed concern that there is no buffering between the School District property and the mobile home park. He discussed the park's overall contribution to the Rapid City tax base.





In response to a question from Lang, Nelson clarified that he is opposed to the rezoning to Light Industrial.

Bill Waeckerle, Rapid City Area School District, advised that approximately 54 busses would be stored on and operated from the subject property. He reviewed the probable schedule for busses departing and returning to the property during the school year. He noted that these issues were discussed with the developer of the mobile home park in 1986 and the School District was assured that there would be no problem with the location of a bus barn on this property in the future.

Swedlund asked if there is a way to construct a sound barrier between the two properties. Elkins responded that screening fences do not provide effective sound barriers.

Nelson advised that he purchased the mobile home park about six months after it was constructed. He explained that the zoning of the park and surrounding properties was not an issue at that time.

Wall asked if the School District could give the mobile home park some kind of assurance that they would work to address noise issues.

Waeckerle explained that at the time the property for the mobile home park was rezoned the proposed uses of the School District property were made very clear to the developers of the mobile home park. He stated that he does not feel it is the School District's responsibility to address these issues.

Discussion followed concerning access, traffic and signalization on S.D. Highway 79 and what records may be available concerning this issue from the time the mobile home park was rezoned.

Nelson requested clarification concerning whether all 60 busses must be located on the School District property and whether a storage shed buffer could be constructed. He expressed concerns regarding traffic issues and he noted that opaque fencing would not provide an adequate sound barrier.

In response to a question from Swedlund, Nelson indicated that he feels it is the School District's responsibility to construct any type of buffering.

Discussion followed concerning the current Low Density Residential zoning on the subject property, discussions between the School District and the developer of the mobile home park, and the potential to require a Planned Light Industrial Development for the property.

In response to a question from Wall, Waeckerle advised that a maintenance facility will be constructed and the busses will be parked in the open. He noted that funding is not available to construct covered bus parking.





Wevik moved and Parker seconded to recommend that the Rezoning application be continued to the April 26, 2001 meeting to allow the applicant to submit a Planned Light Industrial Development in conjunction with the Rezoning request.

Lang clarified that the Planning Commission's recommendation that a Planned Development be submitted in conjunction with the rezoning application is not an indication of support for the proposed rezoning.

Waeckerle objected to any additional costs to the School District to develop the subject property. He added that the School District is acting in good faith and he does not feel it is fair to the taxpayers or the School District to add additional costs to this project.

Swedlund advised that he supports continuing the rezoning request to allow additional research of this issue.

Elkins read a 1986 letter from the City's files written by Bill Waeckerle to the developer of the mobile home park identifying the specific proposed use of a bus barn on the subject property at a future date.

The motion carried unanimously to recommend that the Rezoning application be continued to the April 26, 2001 meeting to allow the applicant to submit a Planned Light Industrial Development in conjunction with the Rezoning request. (8 to 0)

18. No. 01PL013 - Scenic Valley Subdivision

A request by G & R, Inc. to consider an application for a **Final Plat** on Lots 22 thru 24, Block 6, Lots 9 thru 11, Block 8 and Lots 14 thru 16, Block 9 of Scenic Valley Subdivision, formerly: SE1/4 of NE1/4 of Section 10, T1N, R8E, BHM less Scenic Valley Subdivision and ROW and the balance of Tract A of Scenic Valley Subdivision all located in SE1/4 NE1/4 and NE1/4 NE1/4 Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Leroy Street and Basswood Street.

Fisher advised that the name of Basswood Street is properly identified on the plat and requested that Stipulation 4 be deleted.

Wall moved, Solay seconded and unanimously carried that the Final Plat be approved with the following stipulations:

Engineering Division Recommendation:

- 1. Prior to Final Plat approval by the City Council, the staging areas at the terminus of LeRoy Street and Basswood Drive shall be maintained and/or improved to prevent the tracking of mud from construction trucks onto the roadways;**

Pennington County Highway Department Recommendation:

- 2. Prior to Final Plat approval by the City Council, the drainage channel crossing plans shall be revised and submitted for review and**





approval;

3. Prior to Final Plat approval by the City Council, the applicant shall coordinate with the County to extend LeRoy Street across the 50 foot wide drainage channel located along the west lot line; or surety shall be posted for 50% of the cost of the construction;

Pennington County Fire Coordinator Recommendation:

4. Prior to City Council approval of the Final Plat, fire hydrants shall be installed in accordance with Uniform Fire Code;

Urban Planning Division Recommendations:

5. Prior to City Council approval of the Final Plat, a subdivision estimate form shall be submitted and all subdivision inspection fees shall be paid; and,
6. Prior to City Council approval of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted. (8 to 0)

Emerson requested that 22 and 23 be considered concurrently.

22. No. 01SV002 - Gray's Subdivision

A request by Gary Renner for Suzanne Gabrielson to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for all improvements to Section Line and Access Easement** on Tract L of Gray's Subdivision, Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of City Springs Road.

23. No. 00PL136 - Gray's Subdivision

A request by Doug Sperlich for Suzanne Gabrielson to consider an application for a **Final Plat** on Lots 1 and 2 of Tract L of Gray's Subdivision (formerly Tract L of Gray's Subdivision) located in the N1/2 of the NW1/4 of Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of City Springs Road.

Emerson advised that the Zoning Board of Adjustment granted a lot size variance for Lots 1 and 2. He recommended approval of the requested subdivision variances with stipulations and approval of the plat with stipulations.

Discussion followed concerning the section line.

Wevik moved, Solay seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement for all improvements to the Section Line Highway be approved and that the Variance to the Subdivision Regulations to waive the requirement for all improvements to the Access Easement be approved with the stipulation that the access easement be paved to City standards; and,

to recommend that the Final Plat be approved with the following stipulations:



Engineering Division Recommendations:

1. Prior to Final Plat approval by the City Council, the applicant shall provide engineering plans for the construction of the private access easement and section line highway or a Subdivision Variance shall be granted waiving this requirement;

Urban Planning Division Recommendations:

2. Prior to Final Plat approval by the Planning Commission, the lot size variance shall be approved by the Zoning Board of Adjustment or a rezoning request shall be submitted;
3. Prior to Final Plat approval by the City Council, the subdivision improvement estimate shall be provided for review and approval and the subdivision inspection fees shall be paid; and,
4. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted or a Subdivision Variance(s) shall be granted waiving the required improvement(s).

24. No. 01PD006 - SSJE Subdivision

A request by Exhaust Pros of Rapid City, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development to revise the sign package** on Lot 7 of SSJE Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1331 Jess Street.

Fisher advised that the applicant requested that this item be continued to the April 5, 2001 Planning Commission meeting as he is out of town and unable to attend the meeting.

Solay moved, Swedlund seconded and unanimously carried to recommend that the Major Amendment to a Planned Commercial Development to revise the sign package be continued to the April 5, 2001 Planning Commission meeting at the applicant's request. (8 to 0)

Emerson requested that Items 25 and 26 be considered concurrently.

25. No. 01PD007 - Hughes Tract (Section 9, T1N, R7E)

A request by Canyon Lake Park, LLC to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on the south half (S1/2) of Lot C and the west 165 feet of the east 495 feet of Lot A of Lot Two (2) in the Southeast Quarter of the Northwest Quarter (SE1/4 NW1/4) of Section Nine (9) in Township 1 North of Range 7 East of the Black Hills Meridian (said Lot Two (2) sometimes referred to as the Hughes Tract) in the City of Rapid City; together with an easement for ingress, egress and parking on Lot One (1) of Lot D and on Lot One (1) of Lot Three (3) of Lot A, both in Lot Two (2) in the Southeast Quarter of the Northwest Quarter (SE1/4 NW1/4) of Section Nine (9) in Township 1 North of Range 7 East of the Black Hills Meridian (said Lot Two (2) sometimes referred to as the Hughes Tract) in the City of Rapid City, as set forth in instrument recorded March 21, 1988, in Book 33 of Misc. records on Page 7730



in the office of the Register of Deeds, Pennington County, South Dakota; and the east 125 feet of north 125 feet of Lot C of Lot Two (2) of Hughes Tract located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4020 Jackson Boulevard.

26. No. 01RZ005 - Hughes Tract (Section 9, T1N, R7E)

A request by Canyon Lake Park, LLC to consider an application for a **Rezoning from Medium Density Residential District to General Commercial District** on the east 125 feet of north 125 feet of Lot C of Lot Two (2) of Hughes Tract located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4009 Lakeview Drive.

Emerson reviewed the slides and staff reports. He recommended that Rezoning request and the Planned Development application be denied.

Discussion followed concerning the location of the property line in relation to the shared parking with the adjacent dental office.

Emerson explained staff's concerns with commercial zoning encroaching into an established residential neighborhood.

Steve McCarthy, applicant, advised that they have worked closely with neighborhood residents in an effort to address their concerns. He noted that there would be no access to Lakeview Drive from the parking lot. He explained that they view the commercial zoning of the subject property as removing traffic from a very busy substandard street. McCarthy added that the parking lot would be gated and locked on evenings and weekends. He stated that if the rezoning were not granted they would sell the property to a developer who will construct a seven-unit multi-family dwelling on the property.

Discussion followed concerning the likelihood that the property will be developed as a seven-unit apartment complex and how the parking lot gate would operate.

Carol Taylor, area resident, advised that she has gathered a petition with the signatures of 47 area residents indicating support for the proposed rezoning request. She added that most people had expressed the preference that the property remain as it is, but in absence of a single family dwelling, would prefer a gated parking lot as opposed to a multi-unit apartment complex. She indicated that Lakeview Drive is a very narrow street and expressed concern that any additional traffic on this road would cause serious safety concerns. She complimented the applicants for working closely with the neighborhood residents to help to reduce existing traffic on Lakeview Drive and for providing the residents with an opportunity for input on landscaping and fencing materials and design.

In response to a question from Swedlund, Taylor confirmed that she had personally talked with all 47 people listed on the petition and that they all expressed support for the proposed rezoning request.





Samantha Hanson, Lakeview Drive resident, stated that this issue has created a division in the neighborhood. She discussed traffic problems created by the narrow width of Lakeview Drive. She spoke against the proposed rezoning stating that she does not want a parking lot or a seven-unit apartment complex on the subject property. She advised that she has an option to purchase the property in the event the rezoning is not approved noting that she would leave the property as a single family residence and use it as a rental. She expressed concern with safety, privacy and additional traffic in the neighborhood. Hanson objected to commercial spot zoning in this residential neighborhood.

Joan Mackenzie, area resident, advised that she has just recently purchased her home and she spoke against allowing commercial zoning to encroach into the residential neighborhood.

Taylor stated that she does not believe the use of the property will remain a single family residence adding that the current zoning would allow the developer to construct a multi-unit apartment complex on the subject property. She discussed the impact she anticipated from her projection of an additional 30 cars accessing and parking on Lakeview Drive. She noted that the level of privacy she currently enjoys would be diminished. She indicated that the construction of a parking lot on the property would prevent the construction of an apartment complex on the property.

Rich Huffman, applicant, reviewed the nature of the joint venture with Mac Construction. He discussed how they intend to remove a portion of the existing structure to allow access to the proposed parking behind the building. He noted that he does not feel this would create a spot zoning as this property is immediately adjacent to commercially zoned property. He indicated that he feels the issues with the associated Planned Commercial Development can be addressed in a timely manner.

Discussion followed concerning the potential to reduce the scope of the project to address parking issues and clarification concerning what zoning districts allow parking lots.

Swedlund expressed concern that this building could remain empty for a long period of time because there is not adequate parking. He added that he feels these petitioners are doing a good job showing sensitivity to the neighborhood's concerns. He indicated that he feels the use is compatible with the residential neighborhood noting that he supports the development as proposed.

Discussion followed concerning the shared parking arrangement for the property.

Wall spoke in support of the rezoning request noting that under the proposed development plan the existing building size, the number of parking spaces and the number of trips per day to the business will all be reduced.





In response to a question, Elkins reviewed the draft Future Land Use Plan for this area noting that a substantial number of area residents recently expressed strong opposition to any additional commercial development along Jackson Boulevard.

Lang expressed concern that there is no way to predict how the subject property will be used in the future.

Swedlund noted that he feels this is a desirable area for commercial and office development to occur.

Hanson requested that this item be continued to the next Planning Commission meeting to allow the Planning Commissioners an opportunity to visit the subject property and she requested that a traffic counting device be placed on Lakeview Drive.

Pat O'Niell, area resident, expressed opposition to the proposed rezoning request. He stated that he feels no additional commercial development should be allowed in this neighborhood. He noted that he feels the area residents are being threatened with an undesirable "either/or" situation. He added that he does not feel that residential property should be used to benefit a commercial business.

Huffman reviewed the options that have been discussed with neighborhood residents.

Discussion followed.

Trish Anderson, area resident, urged the Planning Commission to deny the rezoning request as it does not meet any of the criteria in the Zoning Ordinance. She spoke in support of the Future Land Use process reminding the Planning Commissioners of the overwhelming sentiment expressed by neighborhood residents that no more commercial encroachment be allowed along Jackson Boulevard. She expressed concern that approval of the rezoning request will establish a precedent and encourage additional requests for commercial development in this area. She reviewed other recent attempts to incorporate commercial development along Jackson Boulevard.

Kim Tysdal, Lakeview Drive resident, expressed concern that if commercial zoning is allowed on this residential property, additional properties in the neighborhood may also be purchased for commercial development. She stated that she would like the property left as it is.

Taylor stated that she feels the only way to ensure that the property will not be developed for multifamily uses is to support the rezoning and the proposed commercial use.

Discussion followed.

Mel Prairie Chicken moved to recommend that the Rezoning from Low Density Residential to General Commercial be denied.



The motion died due to the lack of a second.

Swedlund moved, and Parker seconded to recommend that the Planned Commercial Development be continued to the April 5, 2001 Planning Commission meeting to allow staff to work with the applicant to address outstanding issues; and to recommend that the Rezoning from Medium Density Residential to General Commercial be approved for First Reading only and that Second Reading be continued until the associated Planned Commercial Development can be considered concurrently at City Council.

In response to a question from Hanson, Elkins and Wall reviewed aspects of the Planned Commercial Development process.

Lang spoke in opposition to the motion and expressed disappointment that the Planning Commission would recommend that commercial zoning be approved in this residential neighborhood.

The motion carried to recommend that the Planned Commercial Development be continued to the April 5, 2001 Planning Commission meeting to allow staff to work with the applicant to address outstanding issues; and to recommend that the Rezoning from Medium Density Residential to General Commercial be approved for First Reading only and that Second Reading be continued until the associated Planned Commercial Development can be considered concurrently at City Council. (5 to 3 with Lang, Prairie Chicken and Mashek voting no)

27. Discussion Items

- A. Request for reconsideration of action directing staff to advertise for amendments to the ordinance concerning fences on retaining walls

Elkins advised that the City Council has requested that the Planning Commission review possible alternatives to the Ordinance Amendment as proposed for adoption.

Hanks indicated that the City Council was concerned that the Ordinance as proposed may create additional enforcement issues.

Discussion followed.

Wall moved, Solay seconded and unanimously carried to authorize staff to prepare two possible Ordinance amendments for review by the Planning Commission to address fences on retaining walls. (8 to 0)

28. Staff Items

- A. Date for Planning Commission Training Session – goal setting
Elkins tentatively scheduled a Planning Commission training session to set goals for the Planning Department for April 10, 2001 from 11:30 a.m. to 1:00

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p.m. She stated that staff would advise the Planning Commission of the location for the meeting as soon as a room is scheduled.

There being no further business, Wall moved, Parker seconded and unanimously carried to adjourn the meeting at 9:12 a.m. (8 to 0)

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