

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 23, 2008

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Frank Etter, Julie Gregg, Thomas Hennies, Linda Marchand, Andrew Scull and Karen Waltman. Ron Weifenbach, Council Liaison was also present

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Vicki Fisher, Karen Bulman, Travis Tegethoff, Jared Ball, Mary Bosworth, Ted Johnson, Karley Halsted, Bill Knight, Mike Schad and Carol Campbell.

Waltman called the meeting to order at 7:00 a.m.

Waltman 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.

Scull and Anderson requested that Items 17, 21 and 41 be removed from the Consent Agenda for separate consideration.

Motion by Brown, Seconded by Scull and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 51 in accordance with the staff recommendations with the exception of Items 17, 21 and 41. (9 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

1. Approval of the October 9, 2008 Planning Commission Meeting Minutes.
2. No. 05VR014 - Sletten Addition
A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Vacation of Section Line Highway** on that portion of the statutory Section Line Right-of-Way lying in the NE1/4, SE1/4, Section 13, T2N, R7E, and that portion of the statutory Section Line Right-of-Way, lying in Tract 5, Sletten Addition, located in the NW1/4, SW1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the north to east curve of West Nike Road.

Planning Commission continued the Vacation of Section Line Highway request to the November 20, 2008 Planning Commission meeting.

3. No. 07PL134 - Hyland Crossing Subdivision
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on proposed Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the dedicated Right-of-way, legally described as a portion of the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Dreamscape Drive.

Brewer moved, Scull seconded and carried to continue the SDCL 11-6-19 Review to allow for the construction of the southern control vault located within street right-of-way to the November 20, 2008 Planning Commission meeting. (8 to 0 to 1 with Brewer, Brown, Etter, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no and Anderson abstaining.)

---BEGINNING OF REGULAR AGENDA ITEMS---

52. No. 08PD012 - WREA Subdivision

A request by Geiger Architecture for West River Electric Association to consider an application for a **Planned Light Industrial Development - Initial and Final Development Plan** on Lots 1 and 2 of WREA Subdivision, located in the NW1/4 NE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3250 East Highway 44 and 3454 Twilight Drive.

Fisher presented the staff's recommendation to continue the Planned Light Industrial Development request to the November 20, 2008 Planning Commission meeting.

Hennies moved, Gregg seconded and unanimously carried to continue the Planned Industrial Development - Initial and Final Development Plan to the November 20, 2008 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

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

53. No. 08PD052 - Red Rock Meadows Subdivision

A request by Jay Schmierer for Mandalay Homes to consider an application for a **Major Amendment to a Planned Residential Development** on Lot 13 of Block 2 of Red Rock Meadows Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6446 Cog Hill Lane.

Ball presented the staff recommendation to deny the Major Amendment request without prejudice.

In response to Brewer's question, Ball stated that notification was sent to adjacent property owners and only a couple of inquiries were received.

Discussion followed regarding the setback requirements.

Rolinger arrived at this time.

Scull moved, Rolinger seconded to approve the Major Amendment to a Planned Residential Development with all other stipulations of the Original Planned Development and the exception to allow the 17.5 foot front yard setback on Lot 13, Block 2 only.

In response to Hennies question, Elkins explained that since the request is within the Planned Development the Planning Commission would be the body to grant relief to the applicant rather than the Zoning Board of Adjustments.

In response to Brewer's questions, Elkins identified the location of the property boundary and the encroachment of the vehicle in the driveway into the public right-of-way. Discussion followed.

Marchand expressed her concern for the safety of children in the neighborhood resulting from the encroachments of the vehicles into the right-of-way.

In response to Hennies questions, Elkins indicated that she did not believe that there was a pattern of errors by this developer and that the developer's previous amendment requests have been reviewed prior to construction. Discussion followed.

Jay Schmierer, applicant requested that the Planning Commission approve the Major Amendment to the Planned Development. Schmierer stated his opinion regarding the location of the property line. Schmierer stated that the error was not identified until after the home was constructed. Schmierer stated that the developer is taking action to avoid similar errors in the future.

In response to Brown's question, Elkins stated that the City of Rapid City could possibly be named as a defendant in a law suit if someone was injured as a result of the reduced setback. Discussion followed.

In response to Anderson's question, Elkins identified the options available to the applicant.

Scull expressed his support for the reduction in the setback. Discussion followed.

In response to Brown's question, Elkins stated a separate motion could be added to request that the staff review the reduced setback requirement being allowed in Planned Residential Developments. Discussion followed.

The motion to approve the Major Amendment to a Planned Residential Development with all other stipulations of the Original Planned Development and with the additional stipulation that the exception is granted to allow the 17.5 foot front yard setback on Lot 13 of Block 2 only failed. (4 to 6 with Anderson, Hennies, Rolinger and Scull voting yes and Brewer, Brown, Etter, Gregg, Marchand and Waltman voting no)

Brown moved, Brewer seconded and carried to deny the Major Amendment to a Planned Residential Development without prejudice. Motion carried on

a roll call vote. (6 to 4 with Brewer, Brown, Etter, Gregg, Marchand and Waltman voting yes and Anderson, Hennies, Rolinger and Scull voting no)

In response to Anderson's questions, Elkins stated that the applicant would need to submit an appeal request to City Council within seven day of action by the Planning Commission.

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

54. No. 08PD055 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 2C of Block 3 of Rushmore Crossing, located in the S1/2 of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1522 Eglin Street.

Tegethoff presented the staff recommendation to approve the Planned Commercial Development request with stipulations.

Waltman stated that she will abstain from discussion and voting due to a conflict of interest.

Gregg moved, Scull seconded and carried to approve the Planned Commercial Development - Initial and Final Development Plan with the following stipulations:

- 1. Prior to Planning Commission approval a revised site plan shall be submitted for review and approval demonstrating pedestrian access from Eglin Street to the proposed development;**
- 2. Prior to Planning Commission approval, a complete site plan be submitted for review and approval identifying the delivery area and the truck route through the site;**
- 3. Prior to Planning Commission approval, a revised landscape plan shall be submitted for review and approval demonstrating an adequate buffer between the development and Interstate 90;**
- 4. Prior to Planning Commission approval, the location, size and noise rating of any exterior air handling equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop equipment;**
- 5. A building permit shall be obtained prior to any construction and a certificate of occupancy shall be obtained prior to occupancy;**
- 6. The currently adopted International Fire Code shall be continually met;**
- 7. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;**
- 8. Prior to issuance of a building permit, all redline comments made on**