

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 6, 2011

MEMBERS PRESENT: John Brewer, Linda Marchand, Kay Rippentrop, Josh Snyder, Jan Swank and Len Weimer. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Erik Braun, Patrick Fink, Steve Rolinger, Dennis Popp, and Andrew Scull.

STAFF PRESENT: Brett Limbaugh, Fletcher Lacock, Robert Laroco, Kip Harrington, Patsy Horton, Dale Tech, Ted Johnson, Allison Marsland and Risë Ficken.

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

Brewer 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 Items 8, 9, 11 and 12 be removed from the Consent Agenda for separate consideration.

Motion by Snyder, Seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 20 in accordance with the staff recommendations with the exception of Items 8, 9, 11 and 12. (6 to 0 with Brewer, Marchand, Rippentrop, Snyder, Swank and Weimer voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the September 22, 2011 Planning Commission Meeting Minutes.
2. No. 11CA011 - Starlite Subdivision
A request by Dan Ferber for William C. Gikling to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from General Commercial to Light Industrial** for Lot 1A of Starlite Subdivision located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Dyess Avenue and Eglin Street.

Planning Commission recommended approval of the Amendment to the Comprehensive Plan to change the land use designation from General Commercial to Light Industrial.
3. No. 11RZ019 - Starlite Subdivision
A request by Richard Huffman to consider an application for a **Rezoning from General Commercial District to Light Industrial District** for Lot 1A of Starlite Subdivision located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Dyess Avenue and Eglin Street.

Planning Commission recommended approval of the Rezoning from General Commercial District to Light Industrial District in conjunction with the associated Comprehensive Plan Amendment.

4. No. 11CA012 - Rapid Valley Subdivision

A request by Kevin Willan to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Low Density Residential to General Commercial** for Lots 11 and 12 of Block 6 of Rapid Valley Subdivision located in Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Pecan Lane and East Saint Francis Street.

Planning Commission recommended approval of the Amendment to the Comprehensive Plan to change the land use designation from Low Density Residential to General Commercial.

5. No. 11RZ021 - Rapid Valley Subdivision

A request by Kevin Willan to consider an application for a **Rezoning from Low Density Residential District to General Commercial District** for Lots 11 and 12 of Block 6 of Rapid Valley Subdivision located in Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Pecan Lane and East Saint Francis Street.

Planning Commission recommended approval of the Rezoning from Low Density Residential District to General Commercial District.

*6. No. 11PD030 - Feigels Addition

A request by Renner & Associates, LLC for Deluxe, LLC to consider an application for an **Initial Residential Development Plan** for Lots 1 through 3 of Block 16 of Feigels Addition located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 815 East New York Street.

Planning Commission continued the Initial Residential Development Plan to the October 27, 2011 Planning Commission meeting.

7. No. 11VR003 - Feigels Addition

A request by Renner & Associates, LLC for Deluxe, LLC to consider an application for a **Vacation of Right-of-Way** for a portion of N. Cherry Street right-of-way lying adjacent to Lot 1 of Block 16, a portion of Pine Street right-of-way lying adjacent to Lot 3 of Block 16, a portion of E. New York Street right-of-way and a portion of E. Chicago Street right-of-way lying adjacent to Lots 1-3 of Block 16 of Feigels Addition located in the SW1/4 of the SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 815 East New York Street.

Planning Commission continued the Vacation of Right-of-Way to the October 27, 2011 Planning Commission meeting.

10. No. 11PL035 - Signal Heights Subdivision

A request by Renner & Associates, LLC for Bob Akers to consider an application for a **Preliminary Plat** for proposed Lots 1 and 2 of Tract 5 Revised of Signal Heights Subdivision, legally described as Tract 5 Revised of Signal Heights Subdivision and a portion of vacated South Street located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of East Boulevard and Kellogg Place.

Planning Commission continued the Preliminary Plat to the October 27, 2011 Planning Commission meeting.

13. No. 11PL050 - Strato Rim Estates II

A request by Fisk Land Surveying & Consulting Engineers for Larry Patterson to consider an application for a **Layout Plat** for proposed Lots 1 and 2 of Strato Rim Estates II, legally described as Tract 2 of Tract A of the SW1/4 less well lot and right-of-way located in Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 23648 Strato Rim Drive.

Planning Commission recommended approval the Layout Plat with the following stipulations:

1. Upon submittal of the Preliminary Plat application, the applicant shall demonstrate that the driveways extending north from the existing 30 foot wide Waterline and Access Easement located on the adjacent property are located entirely within the Waterline and Access Easement or the easement shall be expanded to secure legal access to the property;
2. Upon submittal of the Preliminary Plat application, road construction plans for the 30 foot wide Waterline and Access Easement shall be submitted for review and approval. In particular, the road construction plans shall show the street located within a minimum 49 foot wide easement and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;
3. Upon submittal of the Preliminary Plat application, road construction plans for the 40 foot wide to 70 foot wide "Access Easement To adjoining Tract 1 of Tract A" shall be submitted for review and approval. In particular, the road construction plans shall show the street located within a minimum 49 foot wide easement and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;
4. Upon submittal of the Preliminary Plat application, road construction plans for the unnamed 66 foot wide right-of-way shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the right-of-way shall be vacated;

5. Upon submittal of the Preliminary Plat application, the plat document shall be revised to show the 30 foot wide Waterline and Access Easement as a named street. In addition, the street name shall be reviewed and approved by the Emergency Services Communication Center;
6. Upon submittal of a Preliminary Plat application, 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 obtained. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided;
7. Upon submittal of a Preliminary Plat application, 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;
8. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
9. Upon submittal of a Preliminary Plat application, a grading plan and a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval if subdivision improvements are required. In particular, the drainage plan shall include calculations demonstrating that discharge from any improvements will not exceed pre-development flow rates or local detention facilities shall be provided. In addition, the plat document shall also be revised to provide drainage easements as necessary;
10. Upon submittal of a Preliminary Plat application, a cost estimate of the required subdivision improvements shall be submitted for review and approval if any subdivision improvements are required;
11. Upon submittal of a Preliminary Plat application, a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided;
12. Upon submittal of a Preliminary Plat application, the Wild Fire Mitigation Plan shall be approved by the Fire Department. In addition, prior to submittal of a Final Plat application, the Wild Fire Mitigation Plan shall be implemented;
13. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
14. Upon submittal of a Preliminary Plat application, the applicant shall submit written documentation identifying maintenance responsibility of the 30 foot wide Waterline and Access Easement;
15. Prior to Preliminary Plat approval by the City Council, the property shall be rezoned from Limited Agriculture District to Low Density Residential District or a Variance shall be obtained from the

Pennington County Zoning Board of Adjustment to reduce the minimum lot size requirement in the Limited Agriculture District;

16. Prior to Preliminary Plat approval by the City Council, a Conditional Use Permit shall be obtained from Pennington County to allow a secondary structure on proposed Lot 2 without a primary structure or the plat document shall be revised to address the issue;
 17. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
 18. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 19. The approved Layout Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.
14. No. 11SV017 - Strato Rim Estates II
A request by Fisk Land Surveying & Consulting Engineers for Larry Patterson to consider an application for a **Variance to the Subdivision Regulations to reduce the access easement width(s) from 49 feet to 30 feet and 40 feet, respectively, to allow a 12' wide gravel surface in lieu of a 24' wide paved surface and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer for the existing and proposed access easements and to waive the requirement to improve the unnamed 66' wide right-of-way with curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1 and 2 of Strato Rim Estates II, legally described as Tract 2 of Tract A of the SW1/4 less well lot and right-of-way located in Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 23648 Strato Rim Drive.

Planning Commission recommended approval of the **Variance to the Subdivision Regulations to reduce the access easement width(s) from 49 feet to 30 feet and 40 feet, respectively, to allow a 12 foot wide gravel surface in lieu of a 24 foot wide paved surface and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer for the existing and proposed access easements and to waive the requirement to improve the unnamed 66 foot wide right-of-way with curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code with the following stipulations:**

1. Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the street improvements along the unnamed 66 foot wide right-of-way;
2. Prior to submittal of a Preliminary Plat application, the Wild Fire Mitigation Plan shall be approved by the Fire Department. In addition, prior to submittal of a Final Plat application, the plan shall be implemented;
3. Upon submittal of a Preliminary Plat application, the applicant shall

submit written documentation identifying maintenance responsibility for the 30 foot wide "Watermain and Access Easement"; and,

- 4. A note shall be placed on the plat stating that all new residential structures shall be sprinklered with a residential fire sprinkler system.**

15. No. 11PL051 - Harley-Davidson Subdivision

A request by Renner & Associates, LLC for Hog Wild, Inc. to consider an application for a **Preliminary Plat** for proposed Tracts 1-3 of Harley-Davidson Subdivision, legally described as Lots 1-3 of R&L Subdivision and a portion of the SW1/4 of Section 22 and a portion of the N1/2 of Section 27 located in T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Tatanka Road and Harley Drive.

Planning Commission continued the Preliminary Plat to the October 27, 2011 Planning Commission meeting.

16. No. 11SV018 - Harley-Davidson Subdivision

A request by Renner & Associates, LLC for Hog Wild, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb and gutter, pavement, sidewalk, sewer, water and street light conduit on Tatanka Road and to waive the requirement to install sidewalk, sewer, water and street light conduit for Harley Road and to waive the requirement to install sewer and water on Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Tracts 1-3 of Harley-Davidson Subdivision, legally described as Lots 1-3 of R&L Subdivision and a portion of the SW1/4 of Section 22 and a portion of the N1/2 of Section 27 located in T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Tatanka Road and Harley Drive.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter, pavement, sidewalk, sewer, water and street light conduit on Tatanka Road and to waive the requirement to install sidewalk, sewer, water and street light conduit for Harley Road and to waive the requirement to install sewer and water on Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code to the October 27, 2011 Planning Commission meeting.

17. No. 11RZ020 - Section 10, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** for a portion of the NW¼ of the SW¼ of Section 10, T1N, R8E, BHM, Pennington County, South Dakota more fully described as follows: Commencing at the Section ¼ Corner common to Sections 9 and 10, T1N, R8E, BHM, thence, S00°05'57"W, along the section line common to said Sections 9 and 10, a distance of 169.01 feet, thence, S89°54'03"E, a distance of 33.00 feet to a point on the easterly edge of Jolly Lane right-of-way, and the point of beginning; Thence, first course: S51°11'21"E, a distance of 388.65 feet; Thence, second course: S38°48'39"W, a distance of 190.00 feet, to a point on the northerly edge of E. Highway 44 right-of-way;

Thence, third course: N51°11'21"W, along the northerly edge of said E. Highway 44 right-of-way, a distance of 190.24 feet; Thence, fourth course: N30°37'50"W, along the northerly edge of said E. Highway 44 right-of-way, a distance of 70.45 feet, to the easterly edge of said Jolly Lane right-of-way; Thence, fifth course: N00°05'57"E, along the easterly edge of said Jolly Lane right-of-way, a distance of 211.79 feet, to a point the point of beginning, more generally described as being located at the northeast corner of Jolly Lane and East Highway 44.

Planning Commission recommended approval of the Rezoning from No Use District to General Commercial District.

18. No. 11VR007 - Original Townsite of the City of Rapid City

A request by Chamberlin Architects for MHL, LLC to consider an application for a **Vacation of Right-of-Way** for the alley right-of-way adjacent to Lots 1-9 and 24-32 of Block 75 of the Original Townsite of the City of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to 502, 508, 510 and 512 Main Street.

Planning Commission recommended approval of the Vacation of Right-of-Way with the following stipulations:

1. **Prior to City Council approval, the applicant shall secure a utility easement for the proposed area to be vacated and shall enter into an agreement which holds private and public utilities harmless for any damages due to construction or maintenance of utilities in this area;**
2. **Prior to City Council approval, the applicant shall enter into an agreement with the City deeding the balance of the vacated alley back to the City.**

19. 11TP021 – Rapid City Area Metropolitan Planning Organization 2012 Unified Planning Work Program - Final Report

Planning Commission recommended approval of the Rapid City Area Metropolitan Planning Organization 2012 Unified Planning Work Program - Final Report.

20. 11TP023 – Amendment 2011-03 to the 2011 Unified Planning Work Program

Planning Commission recommended of Amendment 2011-03 to the Rapid City Area 2011 Unified Planning Work Program.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

Items 8 and 9 were considered concurrently.

*8. No. 11PD036 - Red Rock Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Major Amendment to a Planned Residential Development** for Lots 14 thru 22

of Block 7 and Lots 14 thru 21 of Block 8 of Red Rock Meadows Subdivision located in the NW1/4 of the NW1/4 of Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Seminole Lane.

*9. No. 11PD037 - Sections 28 and 29, T1N, R7E

A request by Dream Design International, Inc. to consider an application for an **Initial and Final Residential Development Plan** for a portion of the NE1/4 of the NE1/4, Section 29, and a portion of the NW1/4 of the NW1/4, Section 28, T1N, R7E, BHM Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwesterly corner of Lot 1, Block 12 of Red Rock Meadows Subdivision, and the point of beginning; Thence, first course: N00°19'29"W, a distance of 99.01 feet; Thence, second course: N00°18'28"W, a distance of 90.00 feet; Thence, third course: N89°41'32"E, a distance of 139.00 feet; Thence, fourth course: N00°18'28"W, a distance of 156.18 feet; Thence, fifth course: N89°41'32"E, a distance of 162.02 feet; Thence, sixth course: S00°19'45"E, a distance of 258.01 feet, to the northwesterly corner of Lot 13, Block 7 of Red Rock Meadows Subdivision; Thence, seventh course: S00°35'32"W, along the westerly boundary of said Lot 13, a distance of 88.37 feet to the northwesterly corner of Lot 7, Block 7 of Red Rock Meadows Subdivision, common to the northeasterly corner of Lot 8, Block 7 of Red Rock Meadows Subdivision; Thence, eighth course: S89°43'07"W, along the northerly boundary of said Lot 8, a distance of 108.73 feet to the northwesterly corner of said Lot 8; Thence, ninth course: N89°58'06"W, a distance of 52.00 feet, to the northeasterly corner of said Lot 1; Thence, tenth course: N89°58'06"W, along the northerly boundary of said Lot 1, a distance of 138.97 feet to the said point of beginning, more generally described as being located at the current northern terminus of Dunsmore Road.

Brewer stated that he would abstain from discussion and voting on items 8 and 9 due to a conflict of interest. Brewer relinquished the gavel to Marchand.

Lacock advised that Stipulation No. 3 relating to issues associated with the Air Quality Permit on Item 8 were not completed. Lacock stated that staff recommends that the Major Amendment to a Planned Residential Development be continued to the October 27, 2011 Planning Commission meeting.

John Hebrard, President of the Red Rock Meadows Homeowner's Association, expressed concerns with the proposed 20 foot setback from the garage to the property line noting that a long pickup with a hitch would encroach into the sidewalk right-of-way. Hebrard advised that issues associated with determining what Homeowner's Association the properties would be incorporated into were addressed with the property owner. Hebrard noted concerns with safety issues associated with a drainage area near the proposed development. Hebrard requested that the City of Rapid City assume responsibility for maintenance of drainage areas within the development as the Homeowner's Association does not have the resources to perform that maintenance. Hebrard requested that the City of Rapid City assume responsibility for mowing approximately two acres of property within the development, for a drainage area near the park and north of the park located within the development, and for the decorative lights located

within the development. Hebrard discussed issues associated with the decorative lighting within the development.

Marc McClanahan, Red Rock Meadows Homeowner's Association, advised that a street light was installed yesterday between Dunsmore Road and Turnberry Road. McClanahan thanked staff and the City Council for their work in getting the light installed and requested that Item 9 be tabled until the power is connected to the street light and the light is functioning.

Hani Shafai stated that he feels most of the issues identified have been addressed. Shafai advised that current City policy prohibits the City from maintaining drainage ponds noting that his clients will maintain the drainage lots as per their agreement with the City and the Homeowner's Association. He added that the street light will be energized. Shafai stated that the Stipulation 3 on Item 8 refers to the requirement for the seeding to occur prior to Planning Commission approval. Shafai indicated that the weather has cooled to the point where the seeding can begin noting that it is anticipated that the seeding will be completed within a week. Shafai requested that Item 8 be approved at this time noting that the application can be appealed to the City Council if the seeding is not complete and the light is not energized by the end of the appeal period. Shafai stated that the applicant was flexible concerning the proposed 20 foot setback to the garage and 15 foot setback to the structure noting that the newly adopted standards allow a 20 foot setback to the garage. Discussion followed.

Weimer moved to approve the Major Amendment to a Planned Residential Development (11PD036) with the following stipulations:

- 1. An Exception is hereby granted to reduce the front yard setback from 25 feet to 20 feet to the garage and 15 feet to the structure;**
- 2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. Prior to Planning Commission approval, the applicant shall bring the property into compliance with Rapid City Municipal Code Chapters 8.34 and 8.50 and Air Quality Construction Permit 11AQ006;**
- 4. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment or a subsequent Major Amendment;**
- 5. All applicable provisions of the adopted International Fire Code shall continually be met;**
- 6. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Planned Residential Development; and,**
- 7. The Major Amendment to the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and,**

To approve the Initial and Final Residential Development Plan (11PD037) with the following stipulations:

- 1. An exception is hereby granted to allow a 51 foot setback from the section line in lieu of the required 58 foot setback.**
- 2. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be**

- recorded at the Register of Deeds Office;
3. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment or a subsequent Major Amendment;
 4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 5. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Planned Residential Development;
 6. An air quality construction permit shall be obtained prior to any surface disturbance of one acre or more;
 7. All applicable provisions of the adopted International Fire Code shall continually be met; and,
 8. The Major Amendment to the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

In response to a question from Marchand, Limbaugh stated that staff recommends that the application be continued to allow the applicant to address outstanding issues associated with the Air Quality Permit. He indicated that the applicant is requesting approval of the application with the outstanding items to be completed within one week.

Substitute motion by Snyder, seconded by Swank and carried to continue the Major Amendment to a Planned Residential Development (11PD036) to the October 27, 2011 Planning Commission meeting; and, to continue the Initial and Final Residential Development Plan (11PD037) to the October 27, 2011 Planning Commission meeting. (5 to 0 to 1 with Marchand, Rippentrop, Snyder, Swank and Weimer voting yes, with none voting no, and with Brewer abstaining)

Marchand returned the gavel to Brewer.

Staff requested that Items 11 and 12 be considered concurrently.

11. No. 11PL049 – GCC Subdivision
A request by Renner & Associates, LLC for GCC Dacotah, Inc. to consider an application for a **Preliminary Plat** for proposed Tract 1 of GCC Subdivision, legally described as a portion of the SW1/4 of the NW1/4 and a portion of the NW1/4 of the SW1/4 located in Section 28, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Sturgis Road and St. Martins Drive.
12. No. 11SV016 – GCC Subdivision
A request by Renner & Associates, LLC for GCC Dacotah, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install water and sewer along S.D. Highway 79 and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer and to dedicate right-of-way for the east-west**

collector street as per Chapter 16.16 of the Rapid City Municipal Code for proposed Tract 1 of GCC Subdivision, legally described as a portion of the SW1/4 of the NW1/4 and a portion of the NW1/4 of the SW1/4 located in Section 28, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Sturgis Road and St. Martins Drive.

Limbaugh requested that Items 11 and 12 be continued to the October 27, 2011 Planning Commission meeting.

Marchand moved, Rippentrop seconded and unanimously carried to continue the Preliminary Plat (11PL049) and the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along S.D. Highway 79 and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water along the east-west collector street (11SV016) to the October 27, 2011 Planning Commission meeting. (6 to 0 with Brewer, Marchand, Rippentrop, Snyder, Swank and Weimer voting yes and none voting no)

*21. No. 11UR026 - IGT Subdivision

A request by Fisk Land Surveying & Consulting Engineers for National American University to consider an application for a **Conditional Use Permit to allow a Business/Vocational University in a Business Park District** for Lot 1 of IGT Subdivision, located in Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5301 South Highway 16.

Laroco presented the request and recommended approval of the application with stipulations and requested the following revision to Stipulation 4: "The proposed signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this sign package. The addition of electronic signs shall be considered a Major Amendment to the ~~Planned Commercial Development~~ **Conditional Use Permit**. Changes to the approved signage which the Growth Management Director determines to be consistent with the design of the approved plans shall be allowed as a Minimal Amendment to the Conditional Use Permit. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign." Discussion followed.

Janelle Finck introduced the applicant's representatives and explained that National American University has been operating in Rapid City for 70 years. Finck discussed the proposal to relocate the current downtown campus to the proposed new location noting that the school's administrative offices are already located at the Highway 16 site. Finck reviewed the proposed remodel of the facility, including the large area previously used as a warehouse and loading dock by the former occupants. Finck identified the areas proposed for structural expansion and a mobile lab unit. She noted that the additional parking identified on the site plan meets the standard requirements for the proposed use. Finck

displayed a neighborhood aerial and identified the existing residences located to the west of the site noting the distance they are setback from the road and the limited density allowed within the Park Forest zoning district. She discussed the separation between the proposed university and the housing area and identified on the revised landscaping plan the additional screening to be provided through the relocation of a number of the mature trees. Finck added that provisions were made for a walking trail on the site. She stated that they have contracted for a traffic study to be prepared for the proposed use in response to a request from the South Dakota Department of Transportation. Finck stated that no exceptions or variances were requested and that all of the requirements of the underlying zoning district are met.

Ben Snow expressed support for the proposed move of the facility to a centralized campus and the consolidation of operations. He described current full time staffing at the facility noting that National American University is a large employer in the area. Snow discussed the importance of the distance learning segment of the economy, the investment in the community, the number of students served, and the reuse of an existing vacant building for a good purpose. Snow added that after the relocation of the campus the older campus site could be redeveloped. Discussion followed.

Weimer moved, Marchand seconded and unanimously carried to approve the Conditional Use Permit to allow a business/vocational university in a Business Park District with the following stipulations:

- 1. A Building Permit shall be obtained prior to any construction;**
- 2. A Certificate of Occupancy shall be obtained prior to occupancy of the building;**
- 3. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;**
- 4. The proposed signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this sign package. The addition of electronic signs shall be considered a Major Amendment to the Conditional Use Permit. Changes to the approved signage which the Growth Management Director determines to be consistent with the design of the approved plans shall be allowed as a Minimal Amendment to the Conditional Use Permit. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;**
- 5. The lighting shall be designed to reflect light within the property boundaries, so as not to reflect or shine onto adjoining properties and rights-of-way and so as to not be a hazard to the passing motorist or constitute a nuisance of any kind;**
- 6. The landscaping shall be provided in compliance with the submitted plans. In particular, a minimum of 681,800 landscape points shall be provided on the National American University lot as proposed. Any changes to the landscaping which the Growth Management Director**

- determines to be consistent with the approved landscaping plan shall be allowed as a Minimal Amendment to the Conditional Use Permit. All landscaping shall be maintained in a continuous vegetative state;
7. All applicable provisions of the adopted International Fire Code shall be continually met;
 8. All provisions of the Business Park District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment;
 9. Prior to issuance of a Building Permit, the applicant shall submit signed and sealed plans, revised to include a stormwater control plan, an erosion and sediment control plan, an analysis of utility capacity, and a traffic analysis;
 10. Prior to issuance of a Certificate of Occupancy, all street improvements shall be completed per the recommendations of the traffic analysis, or surety shall be posted for the improvements.
 11. This Conditional Use Permit shall allow for a vocational/business school in a Business Park District. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (6 to 0 with Brewer, Marchand, Rippentrop, Snyder, Swank and Weimer 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.

Robert Dewald requested that Item 8 be reconsidered.

In response to a question from Brewer, Dewald expressed concern that the item was recommended for approval with stipulations on the consent agenda and was subsequently continued. Dewald expressed concern that he was issued a footings and foundations permit for Lot 15 of Block 7 and he cannot obtain a building permit until the Planned Development is approved and his costs for the project will increase and the home will have to be constructed during the winter as a result of the item being continued. Dewald stated that the front yard setbacks for his structure are at 26 feet and meet current requirements. Dewald stated that the outstanding issues can be addressed and requested that the application be approved. Discussion followed.

Brewer reviewed the issues addressed for Item 9 earlier in the agenda noting that the other individuals discussing this item have already left the meeting and are not present to discuss the item.

In response to a question from Brewer, Limbaugh advised that the action continuing the item to the October 27, 2011 Planning Commission meeting cannot be appealed. Limbaugh stated that he would work with Dewald after the meeting to address the permit issue.

Discussion followed.

Brewer encouraged the members of the Planning Commission and audience to attend an open house and provide input on the Rapid City Area Metropolitan Planning Organization's draft Participation Plan on October 17, 2011 from 4:30 to 6:00 pm in the First Floor Community Room of the City School Administration Center.

22. Discussion Items

- A. Request to allow a University or College as a Conditional Use Permit in a Medium Density Residential District

Brewer noted that an article appeared in the Rapid City Journal this morning outlining the proposed use of a Church on Range Road for a University. Brewer advised that universities and colleges are currently not allowed in the Medium Density Residential District. Brewer indicated that issues to consider related to allowing universities as a conditional use in the Medium Density Residential District can include transportation, parking, night classes, and the adequacy of the road system. Discussion followed.

In response to a question from Brewer, Limbaugh requested direction from Planning Commission concerning whether a University or College should be allowed in the Medium Density Residential and Office Commercial zoning districts. Discussion followed.

In response to a question from Brewer, Limbaugh clarified that if the Ordinance is amended as discussed, Universities would be a conditional use in any Medium Density Residential or Office Commercial District and would not be specific to a particular applicant. Discussion followed.

Brewer expressed concern with the amending the Ordinance and suggested that the individuals working on the Range Road property discuss their plans for the proposed use with the Planning Commission.

Marchand concurred with Brewer and suggested that the item be continued for additional discussion.

Snyder requested that the item be continued to the next meeting and that additional information concerning the property be provided.

Limbaugh stated that he would provide additional information on the site and proposed use at the October 27, 2011 Planning Commission meeting. Discussion followed.

There being no further business, Snyder moved, Marchand seconded and unanimously carried to adjourn the meeting at 7:53 a.m. (6 to 0 with Brewer, Marchand, Rippentrop, Snyder, Swank and Weimer voting yes and none voting no)

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