

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
November 23, 2011

MEMBERS PRESENT: Sandra Beshara, Erik Braun, John Brewer, Patrick Fink, Linda Marchand and Len Weimer. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Dennis Popp, Kay Rippentrop, Steve Rolinger, Andrew Scull, Josh Snyder and Jan Swank

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Kip Harrington, Patsy Horton, Nicole Lecy, 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.**

**Motion by Fink, seconded by Weimer and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 11 in accordance with the staff recommendations. (6 to 0 with Beshara, Braun, Brewer, Fink, Marchand, and Weimer voting yes and none voting no)**

**---CONSENT CALENDAR---**

1. Planning Commission approved the November 10, 2011 Planning Commission Meeting Minutes.

2. No. 11CA011 - Starlite Subdivision  
Summary of Adoption Action 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 approved the summary and authorized publication in the Rapid City Journal.**

3. No. 11CA012 - Rapid Valley Subdivision  
Summary of Adoption Action 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 approved the summary and authorized publication in the Rapid City Journal.**

4. No. 11CA013 - Stoney Creek South Subdivision

Summary of Adoption Action for an **Amendment to the Comprehensive Plan to change the land use designation from Residential to Commercial** for a portion of Lot 4 of Block 3 of Stoney Creek South Subdivision Located in the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at a point on the southerly boundary of Lot 4, Block 3 of Stoney Creek South Subdivision, common to the northeasterly corner of Lot 3, Block 3 of Stoney Creek South Subdivision; Thence, first course: N19°11'19"E, a distance of 116.69 feet, to a point on the northerly boundary of said Lot 4, common to a point on the southerly boundary of Lot 5, Block 3 of Stoney Creek South Subdivision; Thence, second course: S70°48'41"E, along the northerly boundary of said Lot 4, common to the southerly boundary of said Lot 5, a distance of 180.16 feet, common to a corner on the northerly boundary of said Lot 4, common to the southeasterly corner of said Lot 5; Thence, third course: N25°51'53"E, along the northerly boundary of said Lot 4, common to the easterly boundary of said Lot 5, a distance of 193.96 feet, to the northeasterly corner of said Lot 5, common to a corner on the northerly boundary of said Lot 4, common to a point on the southerly edge of Catron Boulevard right-of-way; Thence, fourth course: S63°36'24"E, along the northerly boundary of said Lot 4, common to the southerly edge of said Catron Boulevard right-of-way, a distance of 183.28 feet; Thence fifth course: S26°23'36"W, a distance of 338.51 feet, to a point on the southerly edge of said Lot 4; Thence, sixth course: N62°34'47"W, along the southerly boundary of said Lot 4, a distance of 345.65 feet, to the point of beginning, more generally described as being located southeast of the intersection of Catron Boulevard and Bendt Drive.

**Planning Commission approved the summary and authorized publication in the Rapid City Journal.**

5. No. 11CA014 - Rapid City Area Future Land Use Plan

Summary of Adoption Action for an **Amendment to the Comprehensive Plan to amend the Rapid City Area Future Land Use Plan** for Sections 1 through 3, inclusive, Sections 10 through 15, inclusive, and Sections 22 through 27, inclusive, located in T1S, R6E, Sections 1 through 30, inclusive, located in T1S, R7E, Sections 1 through 19, inclusive, Section 30, and portions of Sections 20 and 29, located in T1S, R8E, Sections 1 through 18, inclusive, located in T1S, R9E, Sections 1 through 3, inclusive, Sections 10 through 15, inclusive, Sections 22 through 27, inclusive, and Sections 34 through 36, inclusive, located in T1N, R6E, all of T1N, R7E, all of T1N, R8E, all of T1N, R9E, Sections 1 through 15, inclusive, Sections 22 through 27, inclusive, and Sections 34 through 36, inclusive, located in T2N, R6E, all of T2N, R7E, all of T2N, R8E, Sections 4 through 36, inclusive, located in T2N, R9E, portions of Sections 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, and 12, and Sections 13 through 36, inclusive, located in T3N, R6E, portions of Sections 1, 7, 8, 9, 10, 11, and 12, and Sections 13 through 36, inclusive, located in T3N, R7E, portions of Sections 3, 4, 5, 6, 9, 10, 11, and 12, and Sections 7, 8, and 13 through 36, inclusive, located in T3N, R8E, Sections 16 through 21, inclusive, and Sections 28 through 33, inclusive, located in T3N, R9E, a portion of Section 31, located in T4N, R8E, all located in BHM, South Dakota.

**Planning Commission approved the summary and authorized publication in the Rapid City Journal.**

\*6. No. 11PD040 - Auburn Hills Subdivision

A request by Ralph Siemonsma to consider an application for an **Initial and Final Residential Development Plan to allow a single family residence** for Lot 5 of Block 7 of Auburn Hills Subdivision located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4650 Misty Woods Lane.

**Planning Commission approved the Initial and Final Residential Development Plan to allow a single family residence with the following stipulations:**

1. **A Certificate of Occupancy shall be obtained prior to occupancy;**
2. **All applicable provisions of the International Fire Code shall be continually met;**
3. **The proposed structure shall continue to conform architecturally to the elevations and design plans submitted as part of this Initial and Final Planned Residential Development;**
4. **All provisions of the Medium Density Residential Zoning District shall be met unless an exception is specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment; and,**
5. **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.**

***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 Department of Community Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.***

7. 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 December 8, 2011 Planning Commission meeting.**

8. 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 December 8, 2011 Planning Commission meeting.**

9. No. 11PL059 - Springbrook Acres

A request by Renner & Associates, LLC for Susan Lykken to consider an application for a **Preliminary Plat** for proposed Lots 27R and 28R of Block 2 of Springbrook Acres, legally described as Lots 27 and 28 of Block 2 of Springbrook Acres located in the E1/2 of the NW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2727 & 2735 Jenny Gulch Road.

**Planning Commission recommended approval of the Preliminary Plat with the following stipulations:**

1. **Prior to Preliminary Plat approval by the City Council, written documentation shall be submitted from all of the affected utility companies indicating concurrence with the proposed vacation of utility easement or the plat document shall be revised to retain the easement;**
  2. **Prior to submittal of the Final Plat application, the plat document shall be revised eliminating "Layout Plat" from the title; and,**
  3. **The approved Preliminary 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.**
10. 11TP030 – 2012-2016 Transportation Improvement Program Amendment #12-002
- Planning Commission recommended approval of the 2012-2016 Transportation Improvement Program Amendment #12-002.**
11. 11TP031 – 2012-2016 Transportation Improvement Program Amendment #12-003

**Planning Commission recommended approval of the 2012-2016  
Transportation Improvement Program Amendment #12-003.**

**---END OF CONSENT CALENDAR---**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

12. No. 11OA013 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance adding Colleges and Universities as a Conditional Use in the Medium Density Residential Zoning District by Amending Section 17.12.030 of the Rapid City Municipal Code.**

Lacock presented the request and reviewed the revised staff report as distributed on the dais. Lacock advised that staff recommends approval of the ordinance with the removal of Section 17.12.030-S.2.a. General description of course study. Discussion followed.

In response to a question from Brewer, Fisher identified various areas within Rapid City that are currently zoned Medium Density Residential District. Fisher noted that the conditional use procedure will allow the Planning Commission to evaluate requests on an individual basis to ensure that the use is compatible with existing residential neighborhoods. Discussion followed.

In response to questions from Weimer, Fisher stated that the proposed ordinance was advertised as required noting that no comments were received from the public concerning the proposed ordinance amendment. Fisher noted that staff has received questions concerning the potential for a college use at the Range Road location. Discussion followed.

**Braun moved, Marchand seconded and unanimously carried to recommend approval of the Ordinance adding Colleges and Universities as a Conditional Use in the Medium Density Residential Zoning District by Amending Section 17.12.030 of the Rapid City Municipal Code as proposed with the removal of Section 17.12.030-S.2.a. General description of course study. (6 to 0 with Beshara, Braun, Brewer, Fink, Marchand, and Weimer voting yes and none voting no)**

Lacock requested that the Items 13 and 14 be considered concurrently.

13. 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.

\*14. 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.

Lacock advised that these two applications have been continued since July to allow the applicant to submit additional information. He stated that no additional information has been submitted noting that staff recommends that the applications be denied.

In response to a request from Brewer, Lacock displayed the graphic identifying the portions of the right-of-way that the applicant has requested to be vacated.

Fisher advised that the property owner has had discussions with staff concerning the ability to replace the existing mobile homes unit for unit so that a vacation of the right-of-way will not be needed.

Brewer requested clarification concerning whether the replacement mobile homes will be in compliance with the newly adopted mobile home ordinance.

Limbaugh advised that the applicant has indicated that he intends to have the factory that will manufacture the replacement units certified to HUD standards. Limbaugh explained that the replacement homes will have to be constructed to the exact dimensional measurements of the existing unit. Discussion followed.

Braun requested clarification concerning whether the replacement units will be constructed as permanent structures.

Limbaugh indicated that the new structures will function as the existing mobile units do today. Discussion followed.

In response to a question from Weimer, Limbaugh stated that the new structures will be similar to condominiums with the units being sold and the property owner retaining ownership of the land.

In response to a question from Brewer, Fisher indicated that the existing units are legal non-conforming noting that if a unit can be replaced in the exact footprint of the existing structure the unit will continue to be legal non-conforming. She added that any variation from the existing structure will require that all of the current regulations are met. Discussion followed.

**Marchand moved and Fink seconded to recommend that the Vacation of Right-of-Way (11VR003) be denied; and, to deny the Initial Residential Development Plan (11PD030).**

Weimer advised that he supports the development of small homes noting that he will not vote in favor of the motion as he would like to see the applicant continue



to work on the redevelopment of the property.

Brewer noted that staff is continuing to work with the applicant to redevelop the site in a manner that meets current regulations.

**The motion carried to recommend that the Vacation of Right-of-Way (11VR003) be denied; and, to deny the Initial Residential Development Plan (11PD030). (5 to 1 with Beshara, Braun, Brewer, Fink, Marchand, voting yes and with Weimer voting no)**

***The Rapid City Planning Commission's action on Item No. 11PD030 is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.***

15. Discussion Items  
None.

16. Staff Items

Limbaugh wished the Planning Commission a Happy Thanksgiving.

Brewer expressed his appreciation to the Planning Commissioners, the City Council, Vicki Fisher and Joel Landeen for their participation in the excellent training session last week. Brewer wished everyone a happy and safe Thanksgiving holiday.

17. Planning Commission Items  
None.

18. Committee Reports  
None.

**There being no further business, Marchand moved, Braun seconded and unanimously carried to adjourn the meeting at 7:19 a.m. (6 to 0 with Beshara, Braun, Brewer, Fink, Marchand, and Weimer voting yes and none voting no)**