

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
January 26, 2012

MEMBERS PRESENT: Sandra Beshara, John Brewer, Patrick Fink, Linda Marchand, Dennis Popp, Kay Rippentrop, Steve Rolinger, Josh Snyder and Jan Swank.

MEMBERS ABSENT: Erik Braun, Andrew Scull, Len Weimer and John Roberts, Council Liaison.

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Karen Bulman, Ted Johnson, Allison Marsland and Andrea Wolff.

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 Marchand, seconded by Snyder and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 11 in accordance with the staff recommendations. (9 to 0 with Beshara, Brewer, Fink, Marchand, Popp, Rippentrop, Rolinger, Snyder and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the January 5, 2012 Planning Commission Meeting Minutes.
2. No. 11CA017 - Section 32, T2N, R8E
A request by Sperlich Consulting, Inc. for Century Resources, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Commercial to Industrial** for a portion of the NE1/4 of the SW1/4 of Section 32, T2N, R8E, B.H.M., Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the southeasterly corner of Lot 5 of Block 1 of Menard Subdivision, common to a point on the westerly edge of the right-of-way of East Anamosa Street, and the Point of Beginning; Thence, first course: southeasterly, curving to the right on a curve with a radius of 800.00 feet, a delta angle of 15°14'35", an arc length of 212.83 feet, a chord bearing of S07°44'51"E, and a chord distance of 212.21 feet, to a point of tangency; Thence, second course: S00°07'33"E, a distance of 414.06 feet, Thence, third course: S44°59'57"W, a distance of 14.11 feet; Thence, fourth course: N89°52'32"W, a distance of 476.45 feet; Thence, fifth course: N00°07'28"E, a distance of 497.46 feet, to the southwesterly corner of said Lot 5 of Block 1 of Menard Subdivision; Thence, sixth course: S89°52'32"E, along the southerly boundary of said Lot 5 of Block 1 of Menard Subdivision, a distance of 317.97 feet, to an angle point on the southerly boundary of said Lot 5 of Block 1 of Menard Subdivision; Thence, seventh course: N45°16'55"E, along the southerly boundary of said Lot 5 of Block 1 of Menard Subdivision, a distance of 194.01 feet, to the southeasterly corner of Lot 5 of Block 1 of Menard Subdivision, common to a point on the westerly edge of the right-of-way of East Anamosa Street, and the Point of Beginning, more generally described as being

located on the south side of East Anamosa Street southeast of the intersection East Anamosa Street and North Creek Drive.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the land use designation from Commercial to Industrial be approved.

3. No. 11RZ028 - Section 32, T2N, R8E

A request by Sperlich Consulting, Inc. for Century Resources, Inc. to consider an application for a **Rezoning from General Agriculture District to Light Industrial District** for a portion of the NE1/4 of the SW1/4 of Section 32, T2N, R8E, B.H.M., Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the southeasterly corner of Lot 5 of Block 1 of Menard Subdivision, common to a point on the westerly edge of the right-of-way of East Anamosa Street, and the Point of Beginning; Thence, first course: southeasterly, curving to the right on a curve with a radius of 800.00 feet, a delta angle of 15°14'35", an arc length of 212.83 feet, a chord bearing of S07°44'51"E, and a chord distance of 212.21 feet, to a point of tangency; Thence, second course: S00°07'33"E, a distance of 414.06 feet, Thence, third course: S44°59'57"W, a distance of 14.11 feet; Thence, fourth course: N89°52'32"W, a distance of 476.45 feet; Thence, fifth course: N00°07'28"E, a distance of 497.46 feet, to the southwesterly corner of said Lot 5 of Block 1 of Menard Subdivision; Thence, sixth course: S89°52'32"E, along the southerly boundary of said Lot 5 of Block 1 of Menard Subdivision, a distance of 317.97 feet, to an angle point on the southerly boundary of said Lot 5 of Block 1 of Menard Subdivision; Thence, seventh course: N45°16'55"E, along the southerly boundary of said Lot 5 of Block 1 of Menard Subdivision, a distance of 194.01 feet, to the southeasterly corner of Lot 5 of Block 1 of Menard Subdivision, common to a point on the westerly edge of the right-of-way of East Anamosa Street, and the Point of Beginning, more generally described as being located on the south side of East Anamosa Street southeast of the intersection East Anamosa Street and North Creek Drive.

Planning Commission recommended that the Rezoning from General Agriculture District to Light Industrial District be approved in conjunction with the associated Comprehensive Plan Amendment.

4. No. 11CA018 - Denman's Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Commercial to Residential** for Lots 1 through 16 of Block 3 of Denman's Subdivision all located in SW1/4 of the NW1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of East Saint Joseph Street between Elm Avenue and Birch Avenue.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the land use designation from Commercial to Residential be approved.

5. No. 11RZ029 - Denman's Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Commercial District to High Density Residential District** for Lots 1 through 16 of Block 3 of Denman's Subdivision all located in SW1/4 of the NW1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of East Saint Joseph Street between Elm Avenue and Birch Avenue.

Planning Commission recommended that the Rezoning from General Commercial District to High Density Residential District be approved in conjunction with the associated Comprehensive Plan Amendment.

6. No. 11PL075 - North 80 Subdivision

A request by Centerline for Lazy P-6 Land Co., Inc. to consider an application for a **Preliminary Plat** for proposed Lots 4 and 5 of North 80 Subdivision, legally described as unplatted Government Lot 2 less North 80 Subdivision, less Lot H2 and less right-of-way all located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of 5th Street lying south of East Stumer Road and on the north side of East Stumer Road west of Shelby Avenue.

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

1. **Prior to Preliminary Plat approval by the City Council, road construction plans for Catron Boulevard shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a 12 inch water main in conformance with the City's Utility System Master Plan and sewer or a Variance to the Subdivision Regulations shall be obtained;**
2. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the proposed non-access easement extending along the entire length of Fifth Street as it abuts the property or an Exception shall be obtained to allow access from the higher order street. If an Exception is not obtained, the existing curb cut shall be removed. If an Exception is obtained, the length of area without a non-access easement shall be limited to only accommodate one lane of one-way traffic;**
3. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a minimum 50 foot non-access easement from the corner radius along East Stumer Road and a minimum 85 foot non-access easement from the corner radius along Shelby Avenue as they abut the southeast corner of proposed Lot 4 as per the Street Design Criteria Manual or an Exception shall be obtained;**
4. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the proposed non-access easement extended east along East Stumer Road as it abuts the northwest corner of proposed Lot 5 to insure that a potential future driveway to Lot 5 aligns with the existing driveway on the north side of the street as per the Street Design Criteria Manual an Exception**

- shall be obtained;
5. Prior to Preliminary Plat approval by the City Council, the applicant shall confirm that drainage on Lot 5 complies with the United States Army Corp of Engineers 404 Permit (Permit #2004-30258) and the requirements identified in the associated 2005 Wetland Mitigation Plan. If the drainage does not comply, a drainage report shall be submitted for review and approval for the area. In addition, drainage easements shall be secured as needed;
 6. Prior to Preliminary Plat approval by the City Council, 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;
 7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 8. Prior to Preliminary Plat approval by the City Council, the second page of the plat document showing the Certificate Titles shall be submitted for review and approval;
 9. Prior to submittal of a Final Plat application, all necessary changes shall be made to the plat document as identified on the red lined drawing;
 10. Prior to submittal of a Final Plat application, the plat document shall be revised to show the "Wetlands" as a "Conservation Easement". In addition, the recording information for the existing "Conservation Easement" shall be identified on the plat document;
 11. Prior to submittal of a Final Plat application, the plat document shall be revised to show the proposed Major Drainage Easement being "created this document";
 12. 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;
 13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 14. 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.
7. No. 11SV023 - North 80 Subdivision
A request by Centerline for Lazy P-6 Land Co., Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Catron Boulevard as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 4 and 5 of North 80 Subdivision, legally described as unplatted Government Lot 2 less North 80 Subdivision, less Lot H2 and less right-of-way all located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of 5th Street lying south of East Stumer Road and on the north side

of East Stumer Road west of Shelby Avenue.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Catron Boulevard as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

- 1. Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements.**

8. No. 11PL076 - Founders Park North Subdivision

A request by Centerline for Flump & Lump, LLC to consider an application for a **Preliminary Plat** for proposed Lot 1 of Founders Park North Subdivision, legally described as the SW1/4 NE1/4 less right-of-way located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Founders Park Drive and Philadelphia Street.

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

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the site plan and plat document as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Community Planning and Development Services Department;**
- 2. Prior to Preliminary Plat approval by the City Council, road construction plans for Philadelphia Street shall be submitted for review and approval showing a sidewalk along the north side of the street or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow two approaches to serve a residential lot in lieu of one approach as per the Street Design Criteria Manual or the plat document shall be revised to eliminate one of the approach locations;**
- 4. Prior to Preliminary Plat approval by the City Council, an accurate site drawing shall be provided to show the width of the actual dedicated Wood Street right-of-way and to show the dimensioned distance between the right-of-way, plat boundary and the proposed driveway location. In addition, an Exception request shall be obtained to reduce the separation between the intersection of Wood Street and Philadelphia Street and the proposed eastern approach to the property or the plat document shall be revised to relocate the approach to comply with the Street Design Criteria Manual;**
- 5. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a non-access easement along Philadelphia Street in compliance with the Street Design Criteria Manual or an Exception shall be obtained;**
- 6. Prior to Preliminary Plat approval by the City Council, the Erosion and Sediment Control Plan shall be revised to address the erosion and sediment control and site restorations and stabilization for utility work in Wood Street and Short Street;**

7. **Prior to Preliminary Plat approval by the City Council, the cost estimate shall be revised to reflect red line comments as needed;**
 8. **Prior to submittal of a Final Plat application, the proposed Major Drainage Easements and the Municipal Utility Easement to be created by Miscellaneous Document(s) shall be recorded at the Register of Deed's Office and a copy of the recorded document(s) shall be submitted with the Final Plat application. In addition, the proposed Municipal Utility Easement shall be labeled "Municipal Water Line Easement";**
 9. **Prior to submittal of a Final Plat application, the Certificate of Finance Officer shall be revised to read "Community Planning and Development Services Director" in lieu of "Growth Management Director";**
 10. **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;**
 11. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**
 12. **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.**
9. No. 11PL077 - Gateway Business Park Subdivision
A request by Dream Design International, Inc. for Hagg Development, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 2, 3 and 4 of Block 1 of Gateway Business Park Subdivision, legally described as a portion of the NW1/4 of the SE1/4, and a portion of Lot E of the S1/2 of the SE1/4 of Section 28 located in the W1/2 of the SE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of East Mall Drive and Outfitter Road.

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

1. **Prior to Preliminary Plat approval by City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;**
2. **Prior to Preliminary Plat approval by City Council, street construction plans for the proposed access/parking aisle shall be submitted for review and approval. In particular, the plans shall show the street constructed with pavement, curb, gutter, sewer, water, street light conduit and sidewalks or a Variance to the Subdivision Regulations shall be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the site plan and plat document as identified on the red lined drawings. In addition, the red lined drawings shall be returned to Community Planning and Development Services;**

4. **Prior to Preliminary Plat approval by City Council, the plans shall be revised to show the required sidewalks on the north side of East Mall Drive or a Variance to the Subdivision Regulation shall be obtained;**
 5. **Prior to Preliminary Plat approval by City Council, the applicant shall submit as-built drawings verifying the location of all utilities and stormwater management improvements located in Outfitter Road;**
 6. **Prior to Preliminary Plat approval by City Council, the temporary turnaround easement shall be revised to reflect a temporary turnaround in lieu of a storm sewer or utility easement and submitted to Register of Deeds for recording. In addition, a copy of the recorded easement shall be submitted to Community Planning and Development Services;**
 7. **Prior to Preliminary Plat approval by City Council, the applicant shall submit a summary statement showing how the subdivision and development of the property will affect the final build out assumptions made in the Traffic Impact Study;**
 8. **Prior to submittal of a Final Plat, the Certificate of Finance Officer shall be revised to read, "Community Planning and Development Services Director" in lieu of "Growth Management Director";**
 9. **Upon submittal of a Final Plat application, surety shall be posted and subdivision inspection fees shall be paid as required;**
 10. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required, and;**
 11. **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. No. 11SV024 - Gateway Business Park Subdivision
A request by Dream Design International, Inc. for Hagg Development, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Interstate 90, to reduce the width of the common access and parking easement from 59 feet to 40 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the common access and parking easement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 2, 3 and 4 of Block 1 of Gateway Business Park Subdivision, legally described as NW¼ of SE¼ North of Interstate 90 Less Lot H13, less the Mall Drive Subdivision, less the Gateway Business Park Subdivision and less right of way; Lot E of the S½ of the SE¼ less the Gateway Business Park Subdivision all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of East Mall Drive and Outfitter Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Interstate 90; to reduce the width of the common access and parking easement from 59 feet to 40 feet; and to waive the requirement to install

curb, gutter, sidewalk, street light conduit, water and sewer along the common access and parking easement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

- 1. Prior to approval by the City Council, construction plans shall be submitted for review and approval showing a pedestrian walkway being provided through the property.**

11. No. 11VR009 - Section 22, T1N, R7E

A request by Sperlich Consulting, Inc. for OTS, Inc. to consider an application for a **Vacation of Right-of-Way** for a portion of the Overview Lane right-of-way located in the S1/2 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of intersection of Catron Boulevard and Nugget Gulch Road.

Planning Commission recommended that the Vacation of Right-of-Way be approved with the following stipulation:

- 1. Prior to City Council approval, the applicant shall submit drainage plans for review and approval that show how stormwater from the road embankment within the area being vacated will not flow into the remaining street and right-of-way.**

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

12. Discussion Items

- A. Tax Increment Financing Training Session

Bulman stated she would like to schedule a Tax Increment Financing Training session for Planning Commission and City Council. Discussion followed after which it was agreed to set the session for February 14, 2012 from 11:30 – 1:00 in the First Floor Community Room. Brewer instructed staff to send invitations to both Planning Commission and City Council.

13. Staff Items

14. Planning Commission Items

15. Committee Reports

- A. City Council Report (January 3, 2012)
The City Council concurred with the recommendations of the Planning Commission.
- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment
- D. Capital Improvements Subcommittee
- E. Tax Increment Financing Committee

There being no further business, Snyder moved, Marchand seconded and unanimously carried to adjourn the meeting at 7:06 a.m. (9 to 0 with Beshara, Brewer, Fink, Marchand, Popp, Rippentrop, Rolinger, Snyder, Swank and voting

yes and none voting no)