

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
June 7, 2012

MEMBERS PRESENT: Erik Braun, John Brewer, Patrick Fink, Linda Marchand, Dennis Popp, Kay Rippentrop, Andrew Scull, Josh Snyder, Jan Swank and Len Weimer. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Sandra Beshara and Steve Rolinger.

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Patsy Horton, Ted Johnson, Joel Landeen, Carla Cushman 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.**

**Braun requested that Items 5 be removed from the Consent Agenda for separate consideration.**

**Motion by Fink seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 6 in accordance with the staff recommendations with the exception of Item 5 (10 to 0 with Braun, Brewer, Fink, Marchand, Popp, Rippentrop, Scull, Snyder, Swank and Weimer voting yes and none voting no)**

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

1. Approval of the May 24, 2012 Planning Commission Meeting Minutes.

\*2. No. 12PD017 - Red Rock Estates

A request by Renner & Associates, LLC for Century Motels, Inc. to consider an application for an **Initial and Final Planned Residential Development** for Lot 6 of Block 14 of Red Rock Estates located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6544 and 6548 Muirfield Drive.

**Planning Commission approved the Initial and Final Planned Residential Development with the following stipulations:**

- 1. A Building Permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Prior to issuance of a Building Permit, revised plans shall be submitted showing a maximum 40 foot wide driveway, or an Exception from the design criteria to allow a driveway width of greater than 40 feet shall be obtained;**
- 3. Prior to issuance of a Building Permit, the location of sanitary sewer lines required to service each townhome shall be identified to ensure utilities do not cross lot lines or that access to sanitary sewer lines for**

- each property are not impeded, or an Exception shall be obtained;
4. Prior to issuance of a Certificate of Occupancy, a Minor Plat shall be filed with the Register of Deeds subdividing the property into two townhome lots;
  5. The townhomes shall conform to the designs and elevations approved as a part of this Planned Residential Development. Any changes to the design of the townhomes which the Director of Community Planning and Development Services determines are in keeping with the original approved plans shall be considered as a Minimal Amendment to the Planned Residential Development; and,
  6. This Planned Residential Development shall allow for the construction of two townhomes. Other uses permitted in the Low Density Residential District shall be allowed in this Planned Development. Any conditional uses in the Low Density Residential District shall require a Major Amendment to the Planned Residential Development.

***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.***

- \*3. No. 12PD020 - Boulevard Addition and Flormann Addition  
A request by Conrad's Big C Signs to consider an application for a **Major Amendment to a Planned Commercial Development to allow an electronic message center** for Lots 5-9 of Block 37 of Boulevard Addition located in Section 2, T1N, R7E; all of Lot 17, and Lot 18 less the East 11 feet of the North 70 feet and less the East 14 feet of the South 70 feet located in Block 10 of Flormann Addition, Section 1, T1N, R7E all located in BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1320 Mount Rushmore Road.

**Planning Commission acknowledged the applicant's withdrawal of the Major Amendment to the Planned Commercial Development to allow an LED message center to be included with their approved sign package.**

***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.***

- \*4. No. 12PD021 - Denman's Addition  
A request by MAC Construction Co., Inc. to consider an application for a **Final Planned Development Overlay** for Lots 17 thru 27 of Block 3 of Denman's Addition located in the NW1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of Elm Avenue and East Kansas City Street.

**Planning Commission approved the Final Planned Development Overlay**

with the following stipulations:

1. An exception is hereby granted to allow a reduced minimum front yard setback from 35 feet to 20 feet along Elm Avenue;
2. An exception is hereby granted to allow a reduced minimum front yard setback from 35 feet to 20 feet along East Kansas City Street;
3. An exception is hereby granted to allow a reduced minimum parking requirement of 26 parking stalls in lieu of the required 34 parking stalls. A minimum of 26 parking spaces shall be provided. In addition, one of the parking spaces shall be handicap "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;
4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
5. Prior to issuance of a building permit, an easement shall be recorded for the proposed private storm sewer which crosses an adjacent property;
6. Prior to issuance of a building permit, the applicant shall enter into a Right-of-Entry Agreement to allow the City access to a water service valve on private property;
7. Prior to issuance of a building permit, structural design plans by a Professional Engineer for any retaining wall over four feet in height shall be submitted for review and approval;
8. Prior to issuance of a building permit, the applicant shall address redline comments and return the plans to the Community Planning and Development Services Department;
9. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
10. All applicable provisions of the adopted International Fire Code shall continually be met;
11. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
12. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
13. A minimum of 38,362 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
14. All signage shall continually conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Final Planned Development Overlay. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Final Planned Development Overlay. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Final Planned Development Overlay. Lighting for the signs shall be designed to

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- preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
15. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
  16. All provisions of the High Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment; and,
  17. The Final Planned Development Overlay shall allow the property to be used as a church. Any change in use that is a permitted use in the High Density Residential District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the High Density Residential District shall require the review and approval of a Major Amendment to the Final Planned Development Overlay.

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6. No. 12RZ009 - Section 26, T2N, R7E  
A request by Fisk Land Surveying & Consulting Engineers for Bailey Associates, Inc. to consider an application for a **Rezoning from Low Density Residential District to General Agriculture District** for the SE1/2 SW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the eastern terminus of Commerce Road.

**Planning Commission recommended that the Rezoning from Low Density Residential District to General Agriculture District be approved.**

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

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

5. No. 12VR005 - Denman's Addition  
A request by Dream Design International, Inc. to consider an application for a **Vacation of Right-of-Way** for the alley right-of-way located in Block 3 of Denman's Addition located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of East Saint Joseph Street and north of East Kansas City Street between Elm Avenue and Birch Avenue.

Braun and Scull stated that they would abstain due to conflict of interest.

**Snyder moved, Marchand seconded and unanimously carried to**

**recommend that the Vacation of Right-of-Way be approved with the following stipulation:**

- 1. Prior to City Council approval, the applicant shall dedicate a 20 foot wide utility and drainage easement in the vacated alley. (8 to 0 with Brewer, Fink, Marchand, Popp, Rippentrop, Snyder, Swank and Weimer voting yes and none voting no and Braun and Scull abstaining)**

**\*7. No. 12PD019 - Walpole Heights Subdivision**

A request by Conrad's Big C Signs to consider an application for a **Major Amendment to a Planned Commercial Development to allow an electronic message center** for Lots 1 and 2 of Block 1 of Walpole Heights Subdivision, Formerly Tract C Revised and Lot AB1; Tract A Revised, less Lot H8; Tract D of Walpole Heights Subdivision; and, Lot AB, all located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2707 Mount Rushmore Road.

Laroco presented the application noting that staff had received confirmation from the applicant that the sign would be static and that the new sign would reduce the overall square footage of the sign. Laroco pointed out that as the west side of Mt. Rushmore in this area does not have sidewalks along with the high traffic volume through the intersection staff believes that the sign may cause distraction and recommends denial.

Dave Westergaard, of Riddles Group and R & R Realty, spoke on behalf of the applicant and stated that they have agreed to put only static, onsite messages on the sign and stated that the sign is intended to attract those customers traveling south to north and noted that there is sufficient buffer in that regard. Westergaard also stated that they intend to abide by the both the rules and the spirit of the sign code current and future.

Fisher stated that staff policy when message centers or LED signs are involved is to bring a recommendation of denial to Planning Commission to allow Planning Commission to vet the issue and provide the final recommendation.

In response to question regarding the lack of sidewalk being an issue and whether it this was a stipulation or not, Fisher stated that this sign installation does not trigger the installation of sidewalk.

In response to question from Swank on how this affects the Mount Rushmore Road Project; Horton stated this is not a state issue as the sign is on private property, not state right of way.

**Snyder moved, Weimer seconded and carried to approve the Major Amendment to a Planned Commercial Development to allow an electronic message center with the following stipulation:**

- 1. The design of the LED sign shall comply with the plans submitted as a part of this Major Amendment. The LED reader board shall be for on-premise advertising only with a minimum 8 second static message. The sign shall comply with all the requirements of the Rapid City Sign Code. (9 to 1 with Braun, Brewer, Marchand, Popp, Rippentrop, Scull,**

**Snyder, Swank and Weimer voting yes and Fink voting no)**

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8. 12TP013 - 2013-2017 Draft Transportation Improvement Program

Horton presented the Draft Transportation Improvement Program reviewing the MPO five-year budget, the breakout of funding and notable projects by year and location. Horton stated that staff recommends approval.

Discussion followed regarding funding, allocation and project scheduling.

Scull left the meeting at this time.

**Popp moved, Fink seconded and carried unanimously to recommended approval of the 2013-2017 Rapid City Area Transportation Improvement Program - Draft Report. (9 to 0 with Braun, Brewer, Fink, Marchand, Popp, Rippentrop, Snyder, Swank and Weimer voting yes and none voting no)**

9. 12TP014 - 2012-2016 Transportation Improvement Program Amendment #12-009

Horton reviewed the Transportation Improvement Program Amendment and indicated that staff recommends approval.

**Fink moved, Marchand seconded and carried unanimously to recommended approval of the 2012-2016 Transportation Improvement Program Amendment #12-009. (9 to 0 with Braun, Brewer, Fink, Marchand, Popp, Rippentrop, Snyder, Swank and Weimer voting yes and none voting no)**

10. Discussion Items

11. Staff Items

Limbaugh introduced Carla Cushman to Planning Commission. Carla is the newest City Attorney and will provide staff support to Planning Commission and planning staff.

Limbaugh stated that the DARB Board has requested Planning Commission appoint a replacement member for the DARB Board. Weimer, who is the current Planning Commission appointee, stated that he was surprised by the request to replace him and in further consideration withdrew his resignation. Limbaugh said the item will be taken back to DARB.

12. Planning Commission Items

Brewer acknowledged the 40<sup>th</sup> anniversary of the 1972 Rapid City flood and suggested that everyone take a moment to remember and to appreciate all those who have worked so hard to make this commemoration a success. Brewer also noted that Planning Commission keeps this tragedy in mind and that it plays into many decisions made by the Planning Commission.

Scull returned to the meeting at this time.

**There being no further business, Snyder moved, Fink seconded and unanimously carried to adjourn the meeting at 7:45 a.m. (10 to 0 with Braun, Brewer, Fink, Marchand, Popp, Rippentrop, Scull, Snyder, Swank and Weimer voting yes and none voting no)**