

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
June 21, 2012

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

MEMBERS ABSENT: Sandra Beshara, Patrick Fink and Steve Rolinger.

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Karen Bulman, Kip Harrington, Dale Tech, Ted Johnson, Carla Cushman 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 Item 2 be removed from the Consent Agenda for separate consideration.**

**Motion by Snyder, seconded by Braun and unanimously carried to recommend approval of the Consent Agenda Items 1 and 2 in accordance with the staff recommendations with the exception of Item 2. (8 to 0 with Braun, Brewer, Marchand, Popp, Rippentrop, Scull, Snyder and Swank voting yes and none voting no)**

**Consent Calendar**

**The following items have been placed on the Consent Calendar for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Calendar by any Planning Commissioner, staff member, or audience member, for separate consideration:**

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

1. Planning Commission approved the June 7, 2012 Planning Commission Meeting Minutes.

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

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

2. No. 12AN002 - Grays Subdivision  
A request by to consider an application for a **Petition for Annexation** for Lot A of Tract O less lots H1, H2, & H3, Grays Subdivision, located in Section 32, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 5215 South Canyon Road.

Bulman advised that the applicant has withdrawn the Petition for Annexation. Discussion followed.

**Popp moved, Scull seconded and unanimously carried to acknowledge the applicant's withdrawal of the Petition for Annexation. (8 to 0 with Braun, Brewer, Marchand, Popp, Rippentrop, Scull, Snyder and Swank voting yes and none voting no)**

\*3. No. 12UR014 - Robbinsdale Addition No. 10

A request by Gary T. Mahan to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lot 20 of Block 7 of Robbinsdale Addition No. 10 located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3914 Hampton Court.

Laroco presented the request and reviewed the slides. Laroco indicated that the requirement for a covenant agreement is not applicable as the carport is not an enclosed structure. Laroco stated that staff recommends approval of the request with the elimination of Stipulation No. 1 referencing the covenant agreement.

**Snyder moved, Swank seconded and unanimously carried to approve the Conditional Use Permit to allow an oversized garage with the following stipulation:**

- 1. The proposed carport shall comply with the designs and elevations submitted as a part of this Conditional Use Permit. Changes to the design of the structure which the Director of Community Planning and Development Services determines are consistent with the original approved plans shall be permitted as a Minimal Amendment to the Conditional Use Permit. (8 to 0 with Braun, Brewer, Marchand, Popp, Rippentrop, Scull, Snyder and Swank 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 Department of Community Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.***

Scull left the dais at this time.

4. No. 12OA004 - Ordinance Amendment

A request by Andrew Scull to consider an application for an **Ordinance amending Chapter 17.34 of the Rapid City Municipal Code to allow Temporary Quarries and Mining for Construction Aggregate and Rock to be Processed and Used in Construction as a Conditional Use in the General Agricultural Zoning District.**

Fisher presented the application and explained how borrow dirt is processed noting that processing borrow dirt is classified as mining by the South Dakota Department of Environment and Natural Resources. Fisher indicated that the Mining and Earth Extraction District is currently the only zoning district within Rapid City that allows mining and related activities. Fisher stated that temporary quarries are currently a permitted use in the General Agriculture District in

Pennington County noting that a number of other communities specifically address temporary quarries and mining activities as a conditional use in General Agriculture within their ordinances. Fisher reviewed how the criteria contained within the proposed ordinance are intended to help to mitigate the impact of these activities on surrounding properties. Fisher stated that staff recommends approval of the proposed ordinance amendment.

In response to a question from Brewer, Fisher indicated that there are not a significant number of properties located within central Rapid City that comprise a 40 acre area and are zoned General Agriculture District.

In response to a question from Braun, Fisher advised that enforcement of the stipulations of approval for an approved Conditional Use Permit would be the responsibility of Rapid City Code Enforcement.

Braun indicated that he feels the review criteria as proposed provides a good balance that will both allow the activity and provide protection for surrounding properties.

In response to a question from Brewer, Fisher stated that a grading permit will also be required to be obtained after Conditional Use Permit approval is granted.

In response to a question from Popp, Fisher stated that the approval of the Conditional Use Permit would be for a three year period noting that a Major Amendment would be required to be submitted to extend the use for an additional two year period.

Andy Scull, applicant, discussed areas that provide the topography and materials suited for processing borrow dirt. Scull described the transportation cost savings that can be realized by locating the source of borrow dirt closer to the actual development sites. Scull noted that infill development is also more likely to occur in these areas after the dirt is removed and the sites are reclaimed.

In response to a question from Scull, Fisher confirmed that the ordinance is written to allow multiple contiguous lots to be included in the legal description to arrive at the 40 acre minimum size required for application for a Conditional Use Permit.

Scull requested clarification concerning how the initial three year approval and additional two year extension period would apply to a property that was mined and processed in phases. Fisher noted that Public Works staff indicated that a particular phase of a project would be considered to be complete upon reclamation of the disturbed property.

In response to a question from Brewer, Fisher indicated that the initial three year approval period for a Conditional Use Permit would begin upon the date of Planning Commission approval.

Discussion followed concerning the anticipated time frame for obtaining permits and licenses for mining activities through the State of South Dakota, a

Conditional Use Permit and the possibility to tie the time frame for approval to the issuance of a grading permit.

In response to a question from Braun, Scull confirmed that it would be likely that conditional use permits would be obtained for multiple temporary quarry sites in order to justify moving equipment and to ensure a reasonable proximity of the material to various construction sites. Discussion followed.

In response to a question from Swank, Fisher clarified that the proposed ordinance is not related to a specific site or project.

Popp expressed concern that if the Planning Commission approves a Conditional Use Permit and subsequent Major Amendments for the maximum five year time frame for a 40 acre phased project in four 10 acre phases, the temporary quarry/mining activities could occur within a 40 acre site for up to 20 years. Discussion followed.

Fisher indicated that staff and the Planning Commission will evaluate each Conditional Use Permit and subsequent Major Amendment, regardless of the phasing plan, and, with each review, will evaluate the impact of the use on the surrounding neighborhood.

Popp expressed concern that development may not occur around properties with ongoing mining activity. Popp stated that he feels that the phasing issue needs to be further clarified. Discussion followed concerning the protections provided in the ordinance as currently written.

**Marchand moved, Braun seconded and unanimously carried to approve the Ordinance amending Chapter 17.34 of the Rapid City Municipal Code to allow temporary quarries and mining for construction aggregate and rock to be processed and used in construction as a Conditional Use in the General Agriculture District. (7 to 0 with Braun, Brewer, Marchand, Popp, Rippentrop, Snyder and Swank voting yes and none voting no)**

Scull returned to the dais.

\*5. No. 12PD022 - Robbinsdale Addition

A request by Fisk Land Surveying & Consulting Engineers for Robbinsdale Shopping Center, LLC to consider an application for a **Major Amendment to a Planned Development** for Lots 1 through 20 of Block 1 of Robbinsdale Addition located in Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 301 East Saint Patrick Street.

Lacock presented the request noting that staff recommends that the Planning Commission determine that Uniform and Equipment Shops as a Conditional Use in the Neighborhood Commercial Zoning District be allowed. Lacock reviewed the staff report and slides. Lacock indicated that staff recommends approval of the Major Amendment to the Planned Development with the stipulations as outlined in the staff report.

**Marchand moved, Snyder seconded and unanimously carried to determine that a “uniform and equipment shop” shall be a conditional use in the Neighborhood Commercial District and to approve the “uniform and equipment shop” use on the above legally described property with the following stipulations:**

- 1. It is hereby determined that a “uniform and equipment shop” shall be a conditional use in the Neighborhood Commercial District;**
- 2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. A minimum of 76 parking spaces shall be provided on the property. Four of the parking spaces shall be handicap accessible with one of the handicap spaces being “van accessible”. The submitted parking plan is hereby approved as submitted with a total of 99 parking stalls, of which 76 are in compliance with Section 17.50.270 of the Rapid City Municipal Code, until such time as the building is expanded, removed and/or a new structure is built on the subject property. At the time the building is expanded, removed and/or a new structure is built, the subject property shall conform to the parking requirements pursuant to Chapter 17.50.270 of the Rapid City Municipal Code;**
- 4. The screening requirement is hereby waived until such time as the building is expanded, removed and/or a new structure is built on the subject property. At the time the building is expanded, removed and/or a new structure is built the subject property shall conform to the screening requirement pursuant to Chapter 17.20.080 of the Rapid City Municipal Code;**
- 5. The landscaping requirement is hereby waived until such time as the building is expanded, removed and/or a new structure is built on the subject property. At the time the building is expanded, removed and/or a new structure is built, the subject property shall conform to the landscaping requirement pursuant to Chapter 17.50.300 of the Rapid City Municipal Code;**
- 6. All applicable provisions of the adopted International Fire Code shall continually be met;**
- 7. 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 Major Amendment to a Planned Development. 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 a Planned Development. 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 a Planned Development. 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;**
- 8. 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;

9. All provisions of the Neighborhood Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Development or a subsequent Major Amendment; and,
10. The Major Amendment to a Planned Development shall allow a “uniform and equipment shop”, barber shop, beauty salon, tanning salon, second hand sales store, chiropractor and bank to be located on the property. Any change in use that is a permitted use in the Neighborhood Commercial District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Neighborhood Commercial District shall require the review and approval of a Major Amendment to the Planned Development. (8 to 0 with Braun, Brewer, Marchand, Popp, Rippentrop, Scull, Snyder and Swank 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 Department of Community Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.***

6. Discussion Items  
None.

7. Staff Items  
Limbaugh advised that Karen Bulman is retiring at the end of the month and invited the members of the Planning Commission to attend a reception in her honor on Thursday, June 28<sup>th</sup> at 1:00 p.m. in the 1<sup>st</sup> Floor Community Room. Limbaugh thanked Bulman for her service and stated that she is a valued member of staff.

Bulman stated that it has been a pleasure and privilege to work for the City noting that she will miss everyone and expressed her hope that she can continue to work in the Community in other ways.

Brewer expressed his appreciation to Bulman and thanked her for all of her work on the City Council and as a member of City staff.

8. Planning Commission Items
  - A. Election of Officers

Brewer opened the floor for nominations for Chairman of the Planning Commission.

**Popp moved and Swank seconded to nominate John Brewer for Planning Commission Chairman, Linda Marchand for Planning Commission Vice-Chairperson, and Steve Rolinger for Planning Commission Secretary and unanimously carried to cease**

**nominations and that a unanimous ballot be cast for John Brewer for Planning Commission Chairman, Linda Marchand for Planning Commission Vice-Chairperson, and Steve Rolinger for Planning Commission Secretary. (8 to 0 with Braun, Brewer, Marchand, Popp, Rippentrop, Scull, Snyder and Swank voting yes and none voting no)**

9. Committee Reports  
None.

**There being no further business, Snyder moved, Braun seconded and unanimously carried to adjourn the meeting at 7:54 a.m. (8 to 0 with Braun, Brewer, Marchand, Popp, Rippentrop, Scull, Snyder and Swank voting yes and none voting no)**