

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 6, 2012

MEMBERS PRESENT: Carlos Beatty Jr., John Brewer, Patrick Fink, Linda Marchand, Kay Rippentrop, Steve Rolinger, Tim R. Rose, Andrew Scull, and Jan Swank. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Sandra Beshara, Dennis Popp and Josh Snyder.

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Tim Behlings, Ted Johnson, 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.

Motion by Rolinger, seconded by Marshand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 6 in accordance with the staff recommendations. (9 to 0 with Beatty, Brewer, Fink, Marchand, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the August 6, 2012 Planning Commission Meeting Minutes.
2. No. 12OA005 – Ordinance Amendment
A request by City of Rapid City to consider an application for an **Ordinance to Amend Requirements for Conditional Use Permits for Oversized Garages by Amending Section 17.08.030 of the Rapid City Municipal Code in the Park-Forest District.**

Planning Commission recommended that the Ordinance to Amend Requirements for Conditional Use Permits for Oversized Garages by Amending Section 17.08.030 of the Rapid City Municipal Code in the Park-Forest District be approved.

3. No. 12OA006 – Ordinance Amendment
A request by City of Rapid City to consider an application for an **Ordinance to Amend Requirements for Conditional Use Permits for Oversized Garages by Amending Section 17.10.030 of the Rapid City Municipal Code in the Low Density Residential District.**

Planning Commission recommended that the Ordinance to Amend Requirements for Conditional Use Permits for Oversized Garages by Amending Section 17.10.030 of the Rapid City Municipal Code in the Low Density Residential District be approved.

4. No. 12OA007 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance to Amend Requirements for Conditional Use Permits for Oversized Garages by Amending Section 17.38.030 of the Rapid City Municipal Code in the Mobile Home Residential District.**

Planning Commission recommended that the Ordinance to Amend Requirements for Conditional Use Permits for Oversized Garages by Amending Section 17.38.030 of the Rapid City Municipal Code in the Mobile Home Residential District be approved.

*5. No. 12PD028 - Elks Crossing

A request by Dream Design International, Inc. to consider an application for a **Final Planned Development Overlay to allow a single family residential development** for a portion of the SE1/4 of the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 18 of Block 4 of Elks Crossing, and the point of beginning; Thence, first course: S51°19'22"E, along the southerly boundary of said Lot 18, a distance of 84.74 feet, to the southeasterly corner of said Lot 18, common to the southwesterly corner of Lot 19 of Block 4 of Elks Crossing; Thence, second course: S51°19'22"E, along the southerly boundary of said Lot 19, a distance of 141.17 feet, to the southeasterly corner of said Lot 19, common to a point on the westerly boundary of Lot 21 of Block 4 of Elks Crossing; Thence, third course: S00°06'48"W, along the westerly boundary of said Lot 21, a distance of 14.76 feet, to the southwesterly corner of said Lot 21, common to the northwesterly corner of Lot 22 of Block 4 of Elks Crossing; Thence, forth course: S00°06'48"W, along the westerly boundary of said Lot 22, a distance of 17.26 feet, to a corner along the westerly boundary of said Lot 22; Thence, fifth course: S44°33'29"W, along the westerly boundary of said Lot 22, a distance of 37.79 feet, to the southwesterly corner of said Lot 22; Thence, sixth course: S45°26'31"E, along the southerly boundary of said Lot 22, a distance of 51.07 feet, to a corner along the southerly boundary of said Lot 22; Thence, seventh course: S89°53'12"E, along the southerly boundary of said Lot 22, a distance of 90.00 feet, to the southeasterly corner of said Lot 22, common to a point on the westerly edge of Fieldstone Drive right-of-way; Thence, eighth course: S00°06'48"W, along the westerly edge of said Fieldstone Drive right-of-way, a distance of 23.98 feet; Thence, ninth course: S89°53'12"E, a distance of 52.00 feet; to a point on the easterly edge of said Fieldstone Drive right-of-way, Thence, tenth course: N00°06'48"E, along the easterly edge of said Fieldstone Drive right-of-way, a distance of 1.15 feet to the southwesterly corner of Lot 15 of Block 5 of Elks Crossing; Thence, eleventh course: S89°53'12"E, along the southerly boundary of said Lot 15, a distance of 110.00 feet, to the southeasterly corner of said Lot 15; Thence, twelfth course: S00°06'48"W, a distance of 335.23 feet, to a point on the northerly edge of East Minnesota Street right-of-way; Thence, thirteenth course: N89°53'12"W, along the northerly edge of said East Minnesota Street right-of-way, a distance of 27.81 feet; Thence, fourteenth course: along the northerly edge of said East Minnesota Street right-of-way, curving to the right, on a curve with a radius of 550.00 feet, a delta angle of 9°57'01", a length of 95.52 feet, a chord bearing of N84°56'47"W, and chord distance of 95.40 feet; Thence, fifteenth course: N32°50'08"W, along the

northerly edge of said East Minnesota Street right-of-way, a distance of 13.74 feet; Thence, sixteenth course: N13°46'48"E, along the northerly edge of said East Minnesota Street right-of-way, a distance of 21.06 feet; Thence, seventeenth course: N76°13'12"W, along the northerly edge of said East Minnesota Street right-of-way, a distance of 52.00 feet; Thence, eighteenth course: S13°46'48"W, along the northerly edge of said East Minnesota Street right-of-way, a distance of 21.06 feet; Thence, nineteenth course: S60°23'43"W, along the northerly edge of said East Minnesota Street right-of-way, a distance of 13.74 feet; Thence, twentieth course: along the northerly edge of said East Minnesota Street right-of-way, curving to the right, on a curve with a radius of 550.00 feet, a delta angle of 27°00'50", a length of 259.31 feet, a chord bearing of N58°57'43"W, and chord distance of 256.92 feet; Thence, twenty-first course: N45°27'18"W, along the northerly edge of said East Minnesota Street right-of-way, a distance of 328.10 feet; Thence, twenty-second course: N44°35'57"E, a distance of 153.77 feet; Thence, twenty-third course: N46°17'25"E, a distance of 140.11 feet, to the said point of beginning, more generally described as being located north of East Minnesota Street and south of Fieldstone Drive.

Planning Commission approved the Final Planned Development Overlay to allow a single family residential development with the following stipulations:

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Prior to issuance of a building permit, Development Engineering Plans shall be approved;**
- 3. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved;**
- 4. Prior to issuance of a building permit, the water main improvements in Marlin Drive between East Minnesota Street and Creek Drive and the water main improvements in East Minnesota Street between Marlin Drive and the Fieldstone Drive intersection shall be completed and accepted by the City;**
- 5. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;**
- 6. Prior to issuance of a Certificate of Occupancy, all public improvements shall be accepted by the City Council as per Chapter 12.04.170 of the Rapid City Municipal Code;**
- 7. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;**
- 8. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;**
- 9. 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 preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;

10. All applicable provisions of the adopted International Fire Code shall continually be met;
11. All provisions of the underlying zoning districts shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment;
12. 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; and,
13. The Final Planned Development Overlay shall allow the construction of a single family residential development. Any change in use that is a permitted use in the underlying zoning district shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the underlying zoning district shall require the review and approval of a Major Amendment to the Final Planned Development Overlay.

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. No. 12PL044 - Red Rock Meadows Subdivision

A request by Renner & Associates, LLC for DKEA, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 27 thru 35 of Block 7, dedicated Dunsmore Road, Poppy Trail and Seminole Lane right-of-way all of Red Rock Meadows Subdivision, legally described as a portion of the NW1/4 of the NW1/4 of Section 28 and a portion of the NE1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current northern terminus of Dunsmore Road.

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

1. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer;
2. Upon submittal of a Development Engineering Plan application, construction plans showing a sidewalk along Seminole Lane shall be submitted for review and approval or an Exception shall be obtained

- prior to submittal of a Development Engineering Plan application. In addition, if an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
3. Upon submittal of a Development Engineering Plan application, construction plans for Poppy Trail shall be submitted for review and approval showing a minimum pavement width of 34 feet in lieu of the proposed 32 feet or an Exception shall be obtained prior to submittal of a Development Engineering Plan application. In addition, if an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
 4. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
 5. Upon submittal of a Development Engineering Plan application, a cost estimate shall be submitted for review and approval;
 6. Prior to approval of a Development Engineering Plan application, an approval letter from the South Dakota Department of Environment and Natural Resources for the water and sewer plans shall be submitted;
 7. Prior to submittal of a Final Plat application or prior to commencing construction, whichever occurs first, a Development Agreement shall be entered into with the City for all public improvements if applicable;
 8. 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; and,
 9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- *7. No. 12UR018 - Rapid City Greenway Tract
A request by City of Rapid City to consider an application for a **Conditional Use Permit to allow structures for the Memorial Park Promenade in the Flood Hazard District** for Tract 20 less Lot H1 of the Rapid City Greenway Tract located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Omaha Street between North Mount Rushmore Road and Fifth Street in Memorial Park.

Laroco presented the request and reviewed the slides. Laroco stated that staff is working with the applicant to meet stipulations 1 through 3 and, as such, recommends that the item be continued to the September 20, 2012 Planning Commission meeting.

Scull stated he would be abstaining from voting due to a conflict of interest.

Marchand moved, Rose seconded and unanimously carried to continue the

Conditional Use Permit to allow structures for the Memorial Park Promenade in the Flood Hazard District to the September 20, 2012 Planning Commission meeting. (8 to 0 with Beatty, Brewer, Fink, Marchand, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no and Scull abstaining)

Lacock requested that Items 8 through 11 be considered concurrently.

8. No. 12CA005 - Section 21, T2N, R8E

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 Residential to Industrial** for a portion of the SW1/4 of the NW1/4 of Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 2R of Beaird Subdivision, common to a point on the section 1/16th line, and the point of beginning; Thence, first course: S00°02'19"E, along the section 1/16th line, a distance of 902.16 feet; Thence, second course: N89°56'49"W, a distance of 1325.49 feet, to a point on the section line common to Sections 20 & 21, T2N, R8E, BHM.; Thence, third course: N00°00'41"W, along said section line, a distance of 902.18 feet, to the section 1/16 line; Thence, fourth course: N89°59'19"E, along the section 1/16th line, a distance of 33.10 feet to the southwesterly corner of Lot 3 of Beaird Subdivision; Thence, fifth course: S89°56'52"E, along the southerly boundary of said Lot 3, common to the section 1/16th line, a distance of 564.86 feet, to the southeasterly corner said Lot 3, common to the southwesterly corner of said Lot 2R; Thence, sixth course: S89°56'31"E, along the southerly boundary of said Lot 2R, common to the section 1/16th line, a distance of 727.10 feet, to the said point of beginning, more generally described as being located approximately 3,000 feet north of Seger Drive along the east side of Dyess Avenue.

9. No. 12RZ015 - Section 21, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Mobile Home Residential District to Light Industrial District** for a portion of the SW1/4 of the NW1/4 of Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 2R of Beaird Subdivision, common to a point on the section 1/16th line, and the point of beginning; Thence, first course: S00°02'19"E, along the section 1/16th line, a distance of 902.16 feet; Thence, second course: N89°56'49"W, a distance of 1325.49 feet, to a point on the section line common to Sections 20 & 21, T2N, R8E, BHM.; Thence, third course: N00°00'41"W, along said section line, a distance of 902.18 feet, to the section 1/16 line; Thence, fourth course: N89°59'19"E, along the section 1/16th line, a distance of 33.10 feet to the southwesterly corner of Lot 3 of Beaird Subdivision; Thence, fifth course: S89°56'52"E, along the southerly boundary of said Lot 3, common to the section 1/16th line, a distance of 564.86 feet, to the southeasterly corner said Lot 3, common to the southwesterly corner of said Lot 2R; Thence, sixth course: S89°56'31"E, along the southerly boundary of said Lot 2R, common to the section 1/16th line, a distance of 727.10 feet, to the said point of beginning, more generally described as being located approximately 3,000 feet north of Seger Drive along the east side of Dyess Avenue.

10. No. 12CA006 - Section 21, T2N, R8E

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 Residential to Industrial** for a portion of the SE1/4 of the NW1/4 of Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 2R of Beaird Subdivision, common to a point on the section 1/16th line, and the point of beginning; Thence, first course: S89°55'35"E, along the section 1/16th line, a distance of 446.65 feet; Thence, second course: S00°02'19"E, a distance of 1325.00 feet, to a point on the section 1/4 line; Thence, third course: N89°56'49"W, along the section 1/4 line, a distance of 446.65 feet, to a point on the section 1/16 line; Thence, fourth course: N00°02'19"W, along the section 1/16th line, a distance of 1325.16 feet, to the said point of beginning, more generally described as being located approximately 3,000 feet north of Seger Drive and approximately 1,300 feet east of Dyess Avenue.

11. No. 12RZ016 - Section 21, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to Light Industrial District** for a portion of the SE1/4 of the NW1/4 of Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 2R of Beaird Subdivision, common to a point on the section 1/16th line, and the point of beginning; Thence, first course: S89°55'35"E, along the section 1/16th line, a distance of 446.65 feet; Thence, second course: S00°02'19"E, a distance of 1325.00 feet, to a point on the section 1/4 line; Thence, third course: N89°56'49"W, along the section 1/4 line, a distance of 446.65 feet, to a point on the section 1/16 line; Thence, fourth course: N00°02'19"W, along the section 1/16th line, a distance of 1325.16 feet, to the said point of beginning, more generally described as being located approximately 3,000 feet north of Seger Drive and approximately 1,300 feet east of Dyess Avenue.

Lacock presented the requests and reviewed the slides. Lacock advised that staff recommends approval of the Amendments to the Comprehensive Plan and the associated Rezones. Lacock stated that the applicant should be aware that water and sewer will have to be extended for future industrial uses. In response to a question from Brewer, Lacock reviewed the rezoning history.

In response to a question from Brewer on previous issues regarding the usage of this road, Fisher confirmed that industrial uses were the previously approved future land use designation for this area and that Dyess Avenue will need to be improved at some future time due to anticipated truck traffic. Fisher stated that there have been no concerns or comments from the neighbors regarding these applications.

Rolinger moved, Beatty seconded and unanimously carried to recommend approval of the Amendment to the Comprehensive Plan to change the land use designation from Residential to Industrial (12CA005); in conjunction with the proposed rezone application from Mobile Home Residential

District to Light Industrial District; and, to recommend approval of the Rezoning from Mobile Home Residential District to Light Industrial District (12RZ015); and, to recommend approval of the Amendment to the Comprehensive Plan to change the land use designation from Residential to Industrial (12CA006) in conjunction with the proposed rezone application from General Agriculture District to Light Industrial District; and, to recommend approval of the Rezoning from General Agriculture District to Light Industrial District (12RZ016). (9 to 0 Beatty, Brewer, Fink, Marchand, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)

12. Discussion Items
None.

13. Staff Items

- A. A request to amend Chapter 17.20.020 of the Rapid City Municipal Code to allow a medical office and clinic as a permitted use in the Neighborhood Commercial District.

Fisher reviewed uses allowed in Neighborhood Commercial Districts. Fisher stated that staff believes adding medical office and clinic as a permitted use to Neighborhood Commercial Districts would be an appropriate use for this zoning district. Fisher further clarified that this inclusion would affect all Neighborhood Commercial Zoning Districts and would allow for the cleanup of other such non-conforming areas that currently exist throughout the city.

Scull stated that he believes this makes sense and would assist with creating buffer zones. Discussion followed.

Scull moved, Rolinger seconded and unanimously carried to direct staff to draft an ordinance to amend Chapter 17.20.020 of the Rapid City Municipal Code to allow a medical office and clinic as a permitted use in the Neighborhood Commercial District. (9 to 0 Beatty, Brewer, Fink, Marchand, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)

Fisher reminded the Planning Commission of the upcoming training sessions noting that an invitation would be sent to each Planning Commissioner with details.

14. Planning Commission Items
None.

15. Committee Reports

- A. City Council Report (August 20, 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, Rolinger moved, Marchand seconded and unanimously carried to adjourn the meeting at 7:22 a.m. (9 to 0 Beatty, Brewer, Fink, Marchand, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)