

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 4, 2012

MEMBERS PRESENT: Carlos Beatty Jr., Linda Marchand, Steve Rolinger, Tim R. Rose, Josh Snyder and Jan Swank.

MEMBERS ABSENT: Sandra Beshara, John Brewer, Patrick Fink, Dennis Popp, Kay Rippentrop, Andrew Scull, and John Roberts, Council Liaison.

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Kip Harrington, Dale Tech, Ted Johnson, Carla Cushman and Andrea Wolff.

Marchand called the meeting to order at 7:00 a.m.

Marchand 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 Snyder and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 8 in accordance with the staff recommendations. (6 to 0 with Beatty, Marchand, Rolinger, Rose, Snyder and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the September 20, 2012 Planning Commission Meeting Minutes and the September 21, 2012 Planning Commission Training Session Minutes.
2. No. 12CA005 - Section 21, T2N, R8E
Summary of Adoption Action on 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.

DRAFT

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

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

Summary of Adoption Action on 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** 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.

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

4. No. 12PL057 - Rushmore Crossing

A request by Arleth and Associates for CPP Rushmore LLC to consider an application for a **Preliminary Subdivision Plan** for Lots 5A1 - 5A7 of Block 2 of Rushmore Crossing, legally described as Lot 5A of Block 2 of Rushmore Crossing, north 1/2 of vacated Sunnyside Avenue, east 1/2 vacated Riley Avenue and the vacated portion of Cambell Street adjacent to said Lot 5 located in the W1/2SW1/4 of Section 29 and the E1/2 SW1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Eglin Street and east of Luna Drive.

Planning Commission recommended approval of the Preliminary Subdivision Plan 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 if subdivision improvements are required. 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. **Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show the existing culvert located on proposed Lot 5A2 and 5A3 within a minimum 20 foot wide drainage easement. In addition the plat document shall be revised to show the existing water and sewer service lines extending across proposed Lot**

DRAFT

- 5A1 within a utility easement;
 3. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show the previously vacated section line highway as it extends through the property. In addition, the book and page referencing the recording information shall be shown on the plat;
 4. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show access to proposed Lot 5A3. In addition, upon submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval showing the access secured within a minimum 70 foot wide right-of-way or easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained;
 5. Upon submittal of a Development Engineering Plan application, construction plans for the existing access easements shall be submitted for review and approval showing the easements with a minimum width of 70 feet and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer or an Exception shall be obtained;
 6. Upon submittal of a Development Engineering Plan application, the proposed alignment of sewer and water services to Lots 5A1 and 5A2 shall be submitted for review and approval. In addition, verification shall be submitted demonstrating that adequate sewer depth exists to serve future development of the two lots;
 7. 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 if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
 8. Upon submittal of a Development Engineering Plan application, proof of perpetual ownership and maintenance of the drainage ponds located on proposed Lots 5A3 and 5A6 shall be submitted for review and approval;
 9. Upon submittal of a Development Engineering Plan application, a cost estimate shall be submitted for review and approval if subdivision improvements are required;
 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; and,
 11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval if subdivision improvements are required.
5. No. 12PL059 - Section 25, T2N, R6E
A request by Fisk Land Surveying & Consulting Engineers for James and Charlette Steele to consider an application for a **Preliminary Subdivision Plan** for Lot 2 of S and S Subdivision, legally described as that portion of the SE1/4 SE1/4 of Section 25, T2N, R6E, BHM lying north and east of Lot H-1 of

DRAFT

said SE1/4 SE1/4 SE1/4 located in the SE1/4 of Section 25, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located on Sun Ridge Road.

Planning Commission recommended approval of the Preliminary Subdivision Plan with the following stipulations:

1. **Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show the dedication of four additional feet of right-of-way along Sun Ridge Road or an Exception shall be obtained to waive the requirement. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
 2. **Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show the "Certificate of Growth Management Director" as the "Certificate of Community Planning & Development Services Director"; and,**
 3. **Prior to submittal of a Final Plat application, a waiver of right to protest any future assessment for improvements along Sun Ridge Road and the section line highway as they about the property shall be executed and a copy of the recorded document submitted with the Final Plat application.**
6. No. 12OA008 – Ordinance Amendment
An Ordinance to amend Section 17.20.020 of Rapid City Municipal Code allowing dental clinics and medical clinics as permitted uses in the Neighborhood Commercial District.

Planning Commission recommended approval of the Ordinance to amend Section 17.20.020 of Rapid City Municipal Code allowing dental clinics and medical clinics as permitted uses in the Neighborhood Commercial District.

7. No. 12CA007 - West Boulevard Addition
A request by James and Kelly Commet to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Commercial to Residential** for Lots 4 and 5 of Block 22 of West Boulevard Addition located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 809 Saint Andrew Street.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the land use designation from Commercial to Residential be continued to the October 25, 2012 Planning Commission meeting.

8. No. 12RZ018 - West Boulevard Addition
A request by James and Kelly Commet to consider an application for a **Rezone from General Commercial District to Medium Density Residential District** for Lots 4 and 5 of Block 22 of West Boulevard Addition located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 809 Saint Andrew Street.

DRAFT

Planning Commission recommended that the Rezone from General Commercial District to Medium Density Residential District be continued to the October 25, 2012 Planning Commission meeting.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

***9. No. 12UR018 - Rapid City Greenway Tract**

A request by Destination 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.

Fisher presented the application noting that this item has previously been continued to allow stipulations to be met, all of which have been met with the exception of one stipulation. Fisher stated that staff recommends that this stipulation be changed to allow the final stamped construction plans to be submitted prior to issuance of a building permit and that staff recommends the application be approved with the revised stipulation.

In response to question from Rolinger, Dan Seftner, of Destination Rapid City, identified the permanent structures denoted in the application as low profile structures including tables, bike racks and signage.

Swank moved, Rolinger seconded and unanimously carried to approve the Conditional Use Permit to allow structures for the Memorial Park Promenade in the Flood Hazard District with the following stipulations as revised:

- 1. Prior issuance of a building permit, final construction plans signed and stamped by a registered engineer shall be submitted to Community Planning and Development Services for review and approval. All work shall be completed in accordance with the City Infrastructure Design Criteria Manual and Standard Specification requirements, and all work shall be warranted for two years after acceptance by the City;**
- 2. Prior to approval by Planning Commission, the applicant shall submit proof of concurrence for the project plans to Community Planning from all private utility companies, the City Parks and Recreation Department, and the Rapid City Civic Center;**
- 3. Prior to approval by Planning Commission, a Flood Plain Development Permit shall be obtained. A copy shall be submitted to Community Planning and Development Services;**
- 4. A building permit shall be obtained prior to any construction. An air quality construction permit shall be obtained prior to any disturbance of earth greater than one acre;**
- 5. Prior to issuance of a building permit, all redline comments shall be addressed. All Redline comments shall be returned to Community**

DRAFT

- Planning and Development Services;**
- 6. Prior to issuance of a building permit, the existing agreement between the South Dakota Department of Transportation and the City of Rapid City regarding the Sixth Street intersection shall be amended to reflect the proposed changes to the design of the pedestrian crossing. A signed copy of the agreement shall be submitted to Community Planning and Development Services;**
 - 7. Prior to issuance of a building permit, a phasing plan or other means of ensuring continuous pedestrian/bicycle access shall be submitted to Community Planning and Development services for review and approval;**
 - 8. Prior to issuance of a building permit, plans shall be submitted to Community Planning and Development Services showing the extension and connection of water services for the proposed irrigation systems;**
 - 9. Prior to final inspection, the applicant shall provide temporary and permanent erosion and sediment control and verify adequate post-construction water treatment is provided and in compliance with the City's Stormwater Quality Manual.**
 - 10. The proposed landscaping shall match the landscaping plan submitted as a part of this Conditional Use Permit request. Changes to the proposed landscaping which the Director of Community Planning and Development Services determines are consistent with the original approved landscaping plan shall be permitted as a Minimal Amendment to the Conditional Use Permit;**
 - 11. All signage shall comply with Chapter 15.28 of the Rapid City Municipal Code. No electronic signage is being approved as a part of this Conditional Use Permit. Signage that does not comply with Chapter 15.28 of the Rapid City Municipal Code and any electronic signage shall require a Major Amendment to the Conditional Use Permit. All lighting for signage shall be designed to preclude shining on adjacent properties and/or street(s). A sign permit shall be obtained for each sign.**
 - 12. The proposed lighting shall be constructed as shown in the approved plans. Any changes to the design of the lighting which the Director of Community Planning and Development Services determines are consistent with the original approved designs may be approved as a Minimal Amendment to the Conditional Use Permit. All lighting must be designed to preclude shining on adjacent properties and/or street(s);**
 - 13. This Conditional Use Permit shall allow for a pedestrian and bicycle walkway with landscaping, lighting, public seating, planters, trash receptacles, bollards, educational signage and bicycle racks to be constructed in a portion of the Flood Hazard District known as Memorial Park. Any additional conditional uses proposed for the property shall require a Major Amendment to the Conditional Use Permit; and,**
 - 14. All provisions of the Flood Hazard District shall be met unless specifically authorized as a stipulation of the Conditional Use Permit or a subsequent Major Amendment. (6 to 0 with Beatty, Marchand,**

DRAFT

Rolinger, Rose, 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.

*10. No. 12UR019 - Section 33, T2N, R8E

A request by Andrew Scull for Panco LLC to consider an application for a **Conditional Use Permit to Allow Temporary Quarry and Mining of Construction Aggregate and Rock to be Processed and Used in Construction as a Conditional Use within the General Agriculture District** for the SE1/4SE1/4 less Lot H1, less Lot H2 and less Right-of-Way, the N1/2SE1/4 less Lot H1, less Lot H2 and Less Right-of-Way and the SW1/4SE1/4 all located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of East Anamosa Street and Elk Vale Road.

Fisher presented the application stating that due to a staff error in notification this application must be continued to the October 25, 2012 Planning Commission meeting.

Rolinger moved, Snyder seconded and unanimously continued the Conditional Use Permit to Allow Temporary Quarry and Mining of Construction Aggregate and Rock to be Processed and Used in Construction as a Conditional Use within the General Agriculture District to the October 25, 2012 Planning Commission Meeting. (6 to 0 with Beatty, Marchand, Rolinger, Rose, 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.

*11. No. 12PD031 - DuBois Subdivision

A request by Britton Engineering and Land Surveying, Inc. for Richard and Rose DuBois to consider an application for a **Major Amendment to the Planned Development to reduce the amount of previously identified open space to allow for the construction of a single family residence** for Lot B of DuBois Subdivision located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Woodridge Court.

Lacock presented the application and reviewed the slides. Lacock indicated staff's recommendation is to approve with stipulations. Lacock noted that staff had received letters of support from the Woodridge Homeowner's Association and from an individual.

DRAFT

Snyder moved, Beatty seconded and unanimously approved the Major Amendment to the Planned Development to reduce the amount of previously identified open space to allow for the construction of a single family residence with the following stipulations:

1. The approved community open space is hereby reduced from 33% to 31%;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. Prior to issuance of a building permit, the applicant shall submit written documentation to the Community Planning Department from the Woodridge Homeowners Association approving the location of the proposed driveway and approving the installation of water across the Woodridge Drive street pavement;
4. Upon submittal of a building permit, the applicant shall provide erosion and sediment control for all construction and shall obtain tapping permits for water and sewer services;
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. Engineered plans shall be submitted for any portion of the footings and foundation that is placed on fill dirt;
6. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
7. All applicable provisions of the adopted International Fire Code shall continually be met;
8. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Development or a subsequent Major Amendment; and,
9. The Major Amendment to the Planned Development shall allow the construction of a single family residence. Any change in use that is a permitted use in the Low Density Residential District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Low Density Residential District shall require the review and approval of a Major Amendment to the Planned Development. (6 to 0 with Beatty, Marchand, Rolinger, Rose, 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.

12. Discussion Items
None

13. Staff Items
None

DRAFT

14. Planning Commission Items
None

15. Committee Reports
None

There being no further business, Rose moved, Snyder seconded and unanimously carried to adjourn the meeting at 7:11 a.m. (6 to 0 with Beatty, Marchand, Rolinger, Rose, Snyder and Swank voting yes and none voting no)