

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
November 21, 2012

MEMBERS PRESENT: Carlos Beatty Jr., Erik Braun, Kay Rippentrop, Steve Rolinger, Tim R. Rose, Andrew Scull and Jan Swank. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Sandra Beshara, John Brewer, Linda Marchand, Dennis Popp, Josh Snyder

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Patsy Horton, Katherine Palmer, Dale Tech, Carla Cushman and Andrea Wolff.

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

**Rolinger 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 Beatty seconded by Rose and unanimously carried to recommend approval of the Consent Agenda in accordance with the staff recommendation. (7 to 0 with Beatty, Braun, Rippentrop, Rolinger, Rose, Scull, and Swank voting yes and none voting no)**

1. Planning Commission approved the November 8, 2012 Planning Commission Meeting Minutes.

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

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

- \*2. No. 12UR021 - Park Addition No. 2  
A request by Frank Boyle to consider an application for a **Major Amendment to an On-sale Liquor Conditional Use Permit to expand the use of the property to allow Auto Sales and Display** for Lot F less Lot F-1 of Park Addition No. 2, located in Section 6, T1N, R8E and Section 1, T1N, R7E and Lot A of Lot E of Government Lots 4 and 5, located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 200 East Main Street.

Lacock presented the application noting that the application is for the expansion of uses and not for the review of the on-sale use, which is an existing approved use. Lacock reviewed the slides specifically noting that the two uses will be separated by physical barriers and that the uses will not extend onto the existing deck. Lacock also noted that there is adequate parking for both of the uses and for the display of autos on the property.

In response to a question from Beatty, Lacock confirmed that the property does meet parking requirements and Fisher addressed the issue of the combination of

these two uses, noting that this is the reason for the separation both inside and outside of the building. Fisher further stated that this use is similar to the varied uses found in a strip mall where a variety of businesses operate separately within a small area.

Beatty stated that he was not in favor of the location.

**Scull moved, Rose seconded to approved the Major Amendment to an On-sale Liquor Conditional Use Permit to expand the use of the property to allow Auto Sales and Display 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 Certificate of Occupancy for the auto dealership, the proposed interior wall separating the proposed auto sales office and the existing on-sale liquor use shall be constructed. The uses shall not extend onto the deck;**
- 3. Any car washing activities in association with the auto dealership shall be designed and operated in compliance with Chapter 13.04.010 and Chapter 13.16.240 of the Rapid City Municipal Code;**
- 4. A minimum of 18,503 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;**
- 5. A minimum of 15 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;**
- 6. All applicable provisions of the adopted International Fire Code shall continually be met;**
- 7. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent amendment in compliance with Chapter 17.54.040 of the Rapid City Municipal Code;**
- 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 signage shall continually conform to the Sign Code. The existing electronic reader board sign shall continually comply with the Sign Code. No new electronic signs are being approved as a part of this Conditional Use Permit. 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 Conditional Use Permit. All signage not in conformance with the Sign Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. 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 the proposed signs; and,

10. The Major Amendment to the on-sale liquor Conditional Use Permit shall allow the expansion of the uses on the property to include an auto sales office and display and an on-sale liquor establishment. The uses shall not extend onto the deck. Any expansion to the on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. Minimal Amendments shall be allowed as per Chapter 17.54.030 of the Rapid City Municipal Code. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (6 to 1 with Braun, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and Beatty 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.*

\*3. No. 12PD035 - Section 26, T1N, R7E

A request by James Letner for Thomas Letner to consider an application for a **Initial Planned Development Overlay to allow the Construction of a Multi-Family Development** for the E1/2 of the W1/2 of the NE1/4 of the NW1/4 and the W1/2 of the E1/2 of the NE1/4 of the NW1/4; excepting therefrom a portion of Lot H1 of the NE1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Catron Boulevard and Wellington Drive.

Lacock presented the application reviewing the slides and presented staff's recommendation that the **Initial Planned Development Overlay to allow the Construction of a Multi-Family Development** be approved with stipulations. Lacock stated that the applicant is requesting an exception to the height restrictions to allow the structures to be four stories at a height of 52 feet in lieu of the maximum allowed height in a Medium Density Residential District of three stories or 35 feet. Lacock also stated that the addition of more than 304 units will have an impact on the traffic flow in the area and that the applicant must submit a traffic report and construction plans for any recommended improvements to the intersection of Catron Boulevard and the service road upon submittal of a Final Planned Development. In addition, the applicant must demonstrate that there are sufficient domestic fire flows available for the proposed development.

Lacock indicated that the applicant is proposing to increase setbacks and to construct underground parking, which should help to mitigate the traffic noise and lighting impact on adjacent properties. Lacock stated that the applicant has indicated that the final grade will be dug down mitigating the impact of the proposed height of the building. Lacock stated that staff requested the applicant provide an elevation of the proposed structures. However, it is not required as

part of the Initial Planned Development application.

Karen Bulman, 1311 Edinburgh Drive, addressed the Planning Commission as a spokesperson for the neighborhood. Bulman thanked the staff for the posted sign, as the required notification area did not extend to the surrounding neighborhood. Bulman stated that she has spoken with Mr. Letner on their concerns regarding the height, the number of units and the traffic impact. Bulman requested to see elevations for the proposed structure. Bulman also noted that the number of units will create a large increase in traffic, which will affect the flow of traffic on an already highly traveled, high-speed road and requested that a traffic study be provided.

In response to a question from Scull regarding the Initial Plan Overlay, Fisher reviewed the changes to the Planned Development applications that created the Overlay process. In response to a question from Scull as to how this would affect future plans for signaling and road connections in that area, Horton stated that this would definitely have to be taken into consideration. Discussion followed.

Bonnie Flyte, 1701 Tucker Drive, stated that she also was concerned regarding the height and traffic impact this would have. Flyte stated that her property abuts the property to the west and that she has spoken to Letner about the possibility of purchasing her property for use as a secondary access. Flyte stated that she also has concerns regarding noise and lighting.

Pat Hann, 1105 Regency, inquired as to the amount of dirt to be moved for the structure. In response to Hann's question, Letner stated they expect approximately 150,000 yards of onsite grading without import or export but this is just an initial estimate and that the sight would be leveled.

In response to a question from Braun regarding the items noted so far, landscaping plan, grading plan, traffic study, elevations with perspective from street view, Fisher clarified that the ordinance revision separated the Initial Plan Development Overlay process from the Final Plan Development Overlay process so it could be used as a tool by the applicant to gauge the potential for a project without incurring the expense associated with a Final Plan Development Overlay. However, the Planning Commission can request those items in association with an Initial Planned Development Overlay if they are made aware of issues and concerns. Letner agreed to provide photo simulation showing the elevation of the structure in relation to the anticipated grade of the building site(s). Discussion followed.

**Swank moved, Braun seconded and unanimously carried to continue the Initial Planned Development Overlay to allow the Construction of a Multi-Family Development to the December 6, 2012 Planning Commission meeting. (7 to 0 with Beatty, Braun, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)**

\*4. No. 12PD036 - Elks Crossing

A request by Dream Design International, Inc. to consider an application for a

**Major Amendment to a Planned Development Overlay** 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.

Laroco presented the application stating that the Major Amendment is to address issues associated with the original Planned Development and reviewed slides. Laroco presented staff's recommendation to approve the application with stipulations. Stipulation number three in particular, which states prior to issuance of a Certificate of Occupancy for any non-sprinkler protected residence larger than 3,600 square feet, the water main improvements along Marlin Drive and East Minnesota Street through the Fieldstone Drive intersection shall be completed and accepted by the City. Laroco stated that the applicant has indicated that improvements along East Minnesota Street are currently under construction and the improvements along Marlin Drive are contracted for construction with anticipated completion in March of 2013.

Braun stated that he would be abstaining from this item due to conflict of interest.

**Rose moved, Scull seconded and carried to approve the Major Amendment to a Planned Development Overlay 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. Upon submittal of a Building Permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;**
- 3. Prior to issuance of a Certificate of Occupancy for any non-sprinkler protected residence larger than 3,600 square feet, the water main improvements along Marlin Drive and E. Minnesota Street through the Fieldstone Drive intersection shall be completed and accepted by the City;**
- 4. 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;**
- 5. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved;**
- 6. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;**
- 7. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;**
- 8. Any proposed signage shall 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 the Planned Development. Changes to the proposed sign package which the Director of Community Planning and Development Services determines to be consistent with the original approved sign package may be allowed as a Minimal Amendment to the 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 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;

9. Any proposed 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;
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 Major Amendment to the Planned Development Overlay or a subsequent Major Amendment, and;
12. The Major Amendment to the 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. (6 to 0 to 1 with Beatty, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no and Braun abstaining)

***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.***

5. Discussion Items

A. TIF Training Session

Horton requested dates for TIF training session. It was agreed that the TIF Training Session would be held February 1, 2013, from 11:30 to 1:00 in the Council Chambers. Horton stated that an invitation would be sent to the Planning Commission and Council.

6. Staff Items

A. Comprehensive Plan Update

Horton requested direction for staff to proceed with the Request For Proposals and to appoint a member of the Planning Commission to sit on the Steering Committee. Horton noted that the last full Comprehensive Plan was completed in 1981 and since that time, every section of the Comprehensive Plan has been updated as separate elements. Staff is

requesting an update of the Plan as a comprehensive unit instead of separate elements.

In response to question from Scull regarding what sitting on the steering committee would require Horton reviewed the plans that are included in the Comprehensive Plan, stating that the steering committee would first select a consultant and then participate in the advisory group that works with the consultant. Horton indicated that the process is anticipated to be completed by the end of 2013. Rose and Scull volunteered to sit on the steering committee.

**Beatty moved, Swank seconded and carried unanimously to recommend approval of the Request for Proposals and that Tim Rose and Andy Scull serve on the Comprehensive Plan steering committee as volunteers from the Planning Commission. (7 to 0 with Beatty, Braun, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)**

B. Mount Rushmore Road Overlay

Horton introduced Katherine Palmer, the new Long Range Planner. Palmer the requested direction to move forward with a Mount Rushmore Road Overlay District as suggested by the Mount Rushmore Road Corridor Study. Palmer also requested that the Planning Commission form a steering committee and appoint a volunteer from the Planning Commission to sit on the steering committee. Beatty and Swank and Rose volunteered to sit on the steering committee.

In response to a question from Scull, Palmer confirmed that the request was for the creation of a steering committee to develop an overlay district and bring forward the district for review and approval. Discussion followed.

Scull requested that the committee include members from the public at large. Horton clarified that the number of committee members should be no more than ten.

**Rose moved, Rippentrop seconded to approve the appointment of a steering committee, to direct staff to move forward with developing the proposed overlay district and to appoint Carlos Beatty Jr., Tim Rose and Jan Swank as volunteers from the Planning Commission. (7 to 0 with Beatty, Braun, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)**

C. Fisher noted that Planning Commission does not currently have a representative on the Utility Support Fund SAB Oversight Fund Committee, formerly known as the .16 Utility Fund Over Sight Committee and asked that the Planning Commission nominate a commissioner to serve on that committee. Fisher stated that this committee reviews



infrastructure for both the extension of existing and new construction.

In response to a question by Rolinger regarding current committee appointments, staff was requested to review and provide a list of current committee members.

Fisher stated that the Utility Support Fund SAB Oversight Fund Committee will meet on December 14, 2012 at 10:00 a.m. Braun volunteered to be on the Utility Support Fund SAB Oversight Fund Committee.

**Beatty moved, Scull seconded to nominate Erik Braun to serve as the Planning Commission representative for the Planning Commission to the Utility Support Fund SAB Oversight Fund Committee. (7 to 0 with Beatty, Braun, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)**

7. Planning Commission Items  
None

8. Committee Reports  
None

**There being no further business, Beatty moved, Swank seconded and unanimously carried to adjourn the meeting at 8:16 a.m. (7 to 0 with Beatty, Braun, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)**