

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
May 23, 2013

MEMBERS PRESENT: Erik Braun, John Brewer, Linda Marchand, Dennis Popp, Cody Raterman, Kay Rippentrop, Steve Rolinger, Tim R. Rose, Andrew Scull, and Jan Swank. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Carlos Beatty Jr., Sandra Beshara,

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Patsy Horton, Tim Behlings, Ted Johnson, Carla Cushman and Andrea Wolf.

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 Items 4 and 5 be removed from the Consent Agenda for separate consideration.**

**Motion by Rose seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 5 in accordance with the staff recommendations with the exception of Items 4 and 5. (10 to 0 with Braun, Brewer, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)**

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

1. Approval of the May 9, 2013 Planning Commission Meeting Minutes.
2. No. 13PL040 - Settlers Creek Townhomes  
A request by Sperlich Consulting, Inc. for Jake Boerger to consider an application for a **Preliminary Subdivision Plan** for Lots 1R, 3R, 4R, 6R, 10R, 11R, 13R, 14R, 15R, 17R, 18R, 20R, 22R, 24R, and 25R, all in Block 1 of Settlers Creek Townhomes Lots 1 through 6 and Lots 10 through 27 of Block 1 of Settlers Creek Townhomes, located in the NE1/4 of the SE1/4 and the NW1/4 of the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Philadelphia Street between North 11th Street and Founders Park Drive.

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

1. **Upon submittal of a Development Engineering Plan application, construction plans for Founders Park Drive shall be submitted for review and approval showing a sidewalk along the street or a Variance shall be obtained from City Council. In addition, the plat document shall be revised to show the dedication of 4.5 additional feet of right-of-way along Founders Park Drive or an Exception shall be obtained.**

- If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
2. Upon submittal of a Development Engineering Plan application, construction plans for Philadelphia Street shall be submitted for review and approval showing a sidewalk along the entire north side of the street or a Variance shall be obtained from City Council;
  3. Upon submittal of a Development Engineering Plan application, construction plans for Eleventh Street shall be submitted for review and approval showing a sidewalk along the east side of the street or a Variance shall be obtained from Council;
  4. Upon submittal of a Development Engineering Plan application, construction plans for Settlers Creek Place shall be submitted for review and approval showing the easement with a minimum width of 52 feet and constructed with a minimum 26 foot wide paved surface or an Exception shall be obtained. In addition, construction plans shall be submitted showing a sidewalk being constructed along Settlers Creek Place or a Variance from City Council shall be obtained;
  5. Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained to allow an easement to serve 44 lots in lieu of 4 lots or the plat document shall be revised showing Settlers Creek Drive located within right-of-way. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
  6. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted showing the installation and/or abandonment of water and sewer services as well as relocated curb cuts;
  7. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
  8. Prior to submittal of a Final Plat application, the plat document shall be revised to show the existing eight foot wide minor drainage and utility easement(s) along the lot lines being eliminated and/or relocated or the plat document shall show that the easement(s) are being vacated. If the easements are being vacated, documentation shall be submitted showing that the utility companies concur with vacating the easement(s);
  9. 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,
  10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).
- \*3. No. 13PD012 - Settlers Creek Townhomes  
A request by Jake Boerger for Rushmore Properties, LLC to consider an application for a **Major Amendment to a Planned Development** for Lots 1

through 6 and Lots 10 through 27 of Block 1 of Settlers Creek Townhomes, located in the NE1/4 of the SE1/4 and the NW1/4 of the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Philadelphia Street between North 11th Street and Founders Park Drive.

**Planning Commission approved the Major Amendment to a Planned Development with the following stipulations:**

- 1. The Exception to reduce the rear yard setback from 25 feet to 16.5 feet is hereby granted;**
- 2. Prior to issuance of a building permit, Development Engineering Plans shall be approved for the property;**
- 3. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved for the property;**
- 4. Prior to issuance of a Certificate of Occupancy, any water or sewer services that will not be used shall be abandoned at the main per the requirements of the Infrastructure Design Criteria Manual;**
- 5. Prior to a Certificate of Occupancy, any existing curb cuts that will not be used as the single point of access shall be removed and replaced with full height curb and gutter in compliance with the requirements of the Infrastructure Design Criteria Manual;**
- 6. A building permit shall be required prior to construction. A Certificate of Occupancy shall be obtained prior to occupancy;**
- 7. All requirements of the International Fire Code shall be continually maintained;**
- 8. This Major Amendment to the Planned Development shall allow single-family residences and two-unit attached townhomes as permitted uses within the Planned Development. Additional uses permitted in the Office Commercial District shall require review and approval through a Minimal Amendment to the Planned Development. Conditional uses in the Office Commercial District shall require a Major Amendment to the Planned Development, and;**
- 9. All provisions of the Office Commercial District shall be continually maintained unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Development or a subsequent Major Amendment.**

***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.***

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

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that Items 4 and 5 be taken together.

4. No. 13CA007 - Section 27, T2N, R7E

A request by Jake Boerger to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Residential to Industrial** for a parcel of land located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: starting at a point that bears 19.32 feet S41°00'00"W from the northeast corner of previously vacated Tract C Revised of the S.G. Interstate Plaza located in the S1/2 NE1/4 and the N1/2 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota and being the point of beginning. Thence first course: S41°00'00"W a distance of 600.00 feet, Thence second course: N61°00'00"W a distance of 254.90 feet, Thence third course: N35°00'00"E a distance of 493.10 feet, Thence fourth course: S77°23'18"E a distance of 342.00 feet to the point of beginning, more generally described as being located on the south side of North Plaza Drive approximately 450 feet east of the intersection of Fountain Plaza Drive and North Plaza Drive.

5. No. 13RZ011 - Section 27, T2N, R7E

A request by Jake Boerger to consider an application for a **Rezoning from Medium Density Residential District to Light Industrial District** for a parcel of land located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: starting at a point that bears 19.32 feet S41°00'00"W from the northeast corner of previously vacated Tract C Revised of the S.G. Interstate Plaza located in the S1/2 NE1/4 and the N1/2 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota and being the point of beginning. Thence first course: S41°00'00"W a distance of 600.00 feet, Thence second course: N61°00'00"W a distance of 254.90 feet, Thence third course: N35°00'00"E a distance of 493.10 feet, Thence fourth course: S77°23'18"E a distance of 342.00 feet to the point of beginning, more generally described as being located on the south side of North Plaza Drive approximately 450 feet east of the intersection of Fountain Plaza Drive and North Plaza Drive.

Fisher stated that due to an error by the Rapid City Journal, the legal notifications were not published as required and staff requests that the **Amendment to the Comprehensive Plan to change the land use designation from Residential to Industrial** and the **Rezoning from Medium Density Residential District to Light Industrial District** applications be continued to the June 6, 2013 Planning Commission meeting to allow the legal notice to be met.

**Swank moved, Marchand seconded and unanimously carried to continue the Amendment to the Comprehensive Plan to change the land use designation from Residential to Industrial to the June 6, 2013 Planning Commission meeting; and to continue the Rezoning from Medium Density Residential District to Light Industrial District to the June 6, 2013 Planning Commission meeting. (10 to 0 with Braun, Brewer, Marchand, Popp,**

**Raterman, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)**

Lacock requested that items 6 and 7 be taken together.

6. No. 13CA006 - Section 21, T2N, R8E

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Residential to Public** for the south 464.64 feet of the SE1/4 of the NW1/4 of the NE1/4, the south 464.64 feet of the NE1/4 of the NE1/4 less H1, the E1/2 of the SW1/4 of the NE1/4, and the SE1/4 of the NE1/4 located in Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of North Elk Vale Road and south of Country Road.

7. No. 13RZ007 - Section 21, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from General Agricultural District to Public District** for the south 464.64 feet of the SE1/4 of the NW1/4 of the NE1/4, the south 464.64 feet of the NE1/4 of the NE1/4 less H1, the E1/2 of the SW1/4 of the NE1/4, and the SE1/4 of the NE1/4 located in Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of North Elk Vale Road and south of Country Road.

Lacock stated that due to an error by the Rapid City Journal, the legal notifications were not published as required and staff requests that the **Amendment to the Comprehensive Plan to change the land use designation from Residential to Public** and the **Rezoning from General Agricultural District to Public District** applications be continued to the June 6, 2013 Planning Commission meeting to allow the legal notice to be met.

**Marchand moved, Rolinger seconded and unanimously carried to continue the Amendment to the Comprehensive Plan to change the land use designation from Residential to Public Industrial to the June 6, 2013 Planning Commission meeting; and to continue the Rezoning from General Agricultural District to Public District to the June 6, 2013 Planning Commission meeting. (10 to 0 with Braun, Brewer, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)**

\*8. No. 13PD013 - I-90 Heartland Business Park

A request by FMG Inc for Hills Materials Company to consider an application for a **Final Planned Development** for Lot 6 of Block 2 of 1-90 Heartland Business Park, located in the SE1/4 of Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current northern terminus of Rearden Court.

Laroco presented the application and reviewed the associated slides. Laroco noted that this is the Final Planned Development for the Initial Planned

Development that was previously approved by the Planning Commission. Laroco stated that the application was placed on the non-consent agenda due to the fact that the associated Initial Planned Development application had generated concern from neighbors, but, that to date, staff had not had received any comments regarding the Final Planned Development. Laroco presented staff's recommendation to approve with stipulations.

Laroco noted that there were a number of representatives from Hills Material present to answer questions on the application.

In response to a question from Brewer, Laroco reviewed the issues of concern voiced during the Initial Planned Development but confirmed that no comments had been received regarding the Final Planned Development and that the buffering and streets are designed to accommodate industrial traffic.

**Rolinger moved, Marchand seconded and unanimously carried to approve the Final Planned 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. An air quality construction permit shall be obtained prior to any disturbance of earth greater than one acre;**
- 3. Prior to issuance of a building permit, final signed and sealed construction plans shall be submitted for review and approval. In particular, final plans shall show that all construction is located outside the boundaries of the Federally Designated 100 Year Floodplain, or a Floodplain Development Permit shall be obtained;**
- 4. Prior to issuance of a building permit, plans shall be revised showing that standard asphalt paving is proposed for the development, or an Exception to permit recycled asphalt millings shall be obtained from the City Engineer. If obtained, a copy of the approved Exception shall be submitted to Community Planning and Development Services;**
- 5. Prior to issuance of a building permit, plans shall be revised to show that the proposed fence is located outside of all easements, or approval from the City Engineer to locate the fence within the easement shall be obtained. If approval for the location of the fence is obtained, a copy shall be submitted to Community Planning and Development Services;**
- 6. Prior to issuance of a building permit, plans shall be revised to show that all proposed retaining walls over 4 feet in height are designed by a registered engineer;**
- 7. A minimum of eight parking off-street parking spaces shall be provided, with a minimum of one of the provided spaces being van handicap accessible. All parking shall comply with the requirements of the Rapid City Municipal Code and the approved site plan;**
- 8. A minimum of 329,792 points of landscaping shall be provided. All landscaping shall be installed and maintained in compliance with the Rapid City Municipal Code and the approved site plan;**
- 9. All outdoor lighting shall be designed to reflect within the property**

- boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind;
10. All signage shall comply with the submitted sign package and the Rapid City Municipal Code. Changes to the signage which comply with the Rapid City Sign Code shall be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;
  11. All requirements of the International Fire Code shall be continually maintained;
  12. The proposed concrete batch plant shall comply with all the regulations of the Heavy Industrial District unless specifically stipulated as a part of a Major Amendment to the Planned Development, and;
  13. This Final Planned Development shall allow for the construction of a ready-mix concrete batch plant with aggregate/material storage. A Major Amendment shall be required for all future phases of development on the property. A Major Amendment to the Planned Development shall be required for any change in use on the property. (10 to 0 with Braun, Brewer, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose, Scull 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.***

9. Discussion Items

Fisher stated that staff will be offering training on the City's revised platting process to the Planning Commission and that she will present dates at the June 6, 2013 Planning Commission meeting.

Horton thanked the Planning Commissioners for their participation in the Comprehensive Plan Kick-Off Meetings and stated that follow up phone interviews were being scheduled for those who were unable to attend.

10. Staff Items

None

11. Planning Commission Items

None

12. Committee Reports

None

**There being no further business, Rose moved, Popp seconded and unanimously carried to adjourn the meeting at 7: 16 a.m. (10 to 0 with Braun, Brewer, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)**