

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 26 2013

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, Linda Marchand, Dennis Popp, Cody Raterman, Kay Rippentrop, Andrew Scull, and Jan Swank.

MEMBERS ABSENT: Carlos Beatty Jr., Steve Rolinger, And Tim R. Rose. Amanda Scott, Council Liaison was also absent.

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, 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 Marchand, seconded by Popp and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 5 in accordance with the staff recommendations. (9 to 0 with Braun, Brewer, Marchand, Popp, Raterman, Rippentrop, Scull and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the September 5, 2013 Planning Commission Meeting Minutes.
2. No. 13CA011 - Gus Haines Subdivision
Summary of Adoption Action for a request by Renner and Associates, LLC for Horizon Properties, Inc. to consider an application for a **Amendment to the Comprehensive Plan to change the land use designation from Residential to Commercial** for Lot 10 and Lot 11 of Block 5 of Gus Haines Subdivision, located in Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Hawthorne Avenue and East Meade Street.

Planning Commission approved the summary and authorized publication in the Rapid City Journal.
3. No. 13CA012 - Blue Marlin Estates
Summary of Adoption Action for a request by Renner and Associates LLC for Shane Geidel to consider an application for a **Amendment to the Comprehensive Plan to change the land use designation from Public to Residential** for a portion of the SE1/4 of the NE1/4, Section 20, T2N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the NE 1/16th Section Corner of Section 20, T2N, R8E, BHM, thence N 89°52'15"E, a distance of 228.46' to the point of beginning; Thence, first course: N 89°52'15" E a distance 170.00'; Thence, second course: S 00°00'26" W a distance 416.00; Thence third course: S 89°52'15" W a distance 170.00'; Thence, fourth course: N 00°00'26" E a distance of 416.00, to the point

of beginning, more generally described as being located at 3775 Dyess Avenue.

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

*4. No. 13PD035 - Original Town of Rapid City

A request by Kennedy Design Group Inc., Kent Kennedy to consider an application for a **Final Planned Development Overlay to allow a second residence as a guest house** for Lots 22 and 23 and the south 1/2 of the vacated alley north and adjacent to said lots of Block 122 of the Original Town of Rapid City, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 820 South Street.

Planning Commission approved the Final Planned Development Overlay to allow a second residence as a guest house with the following stipulations:

1. **An Exception is hereby granted to increase the maximum lot coverage from 30% to 32.8% for the existing structures only;**
2. **An Exception is hereby granted to decrease the minimum required side yard setback to the dwelling from 12 feet to 3 feet for the existing structure only;**
3. **An Exception is hereby granted to decrease the minimum required side yard setback to an accessory structure from 5 feet to 3 feet for the existing structure only;**
4. **An Exception is hereby granted to decrease the minimum required rear yard setback to an accessory structure from 5 feet to 0 feet for the existing structure only;**
5. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
6. **Prior to issuance of a building permit, Historic Preservation Committee approval shall be obtained as necessary for any construction;**
7. **All provisions of the High Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment;**
8. **All applicable provisions of the adopted International Fire Code shall continually be met; and,**
9. **The Final Planned Development Overlay shall allow for a second residence to be used as a guest house on the property. The second residence shall not be used as a rental unit. The previously approved Bed and Breakfast use shall no longer be allowed. Any change in use that is a permitted use in the High Density District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the High Density Residential District shall require the review and approval of a Major Amendment to the Planned Development. (9 to 0 with Braun, Brewer, Marchand, Popp, Raterman, Rippentrop, 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.

5. No. 13PL087 - Village on the Green No. 2 Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Randy Al Long & Jan Lochridge Long to consider an application for a **Preliminary Subdivision Plan** for Lots 47A and 48B of Village on the Green No. 2 Subdivision, legally described as Lot 47 of Village on the Green No. 2 Subdivision, located in the NE1/4 of Section 13, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 23740 Mulligan Mile.

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

1. **A Final Plat application shall be submitted for review and approval. (9 to 0 with Braun, Brewer, Marchand, Popp, Raterman, Rippentrop, Scull and Swank voting yes and none voting no)**

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*6. No. 13PD022 - Feigels Subdivision

A request by SL Buildings LLC to consider an application for a **Final Planned Development to Allow a Dog Kennel in the Light Industrial District** for Lot 4 of Block 4 of Feigels Subdivision, located in Section 31, T2N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located north and east of the intersection of East Watertown Street and North Cherry Avenue.

Laroco presented the application noting that this item had been continued at the August 22, 2013 Planning Commission to allow additional information to be prepared. Laroco stated that at the request of the applicant, staff recommends that the item be continued to the October 10, 2013 Planning Commission meeting.

Braun moved, Marchand second and unanimously carried to continue the Final Planned Development and the conditional use request to allow a dog kennel in the Light Industrial District to the October 10, 2013 Planning Commission Meeting. (10 to 0 with Braun, Brewer, Marchand, Popp, Raterman, Rippentrop, 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.

Laroco requested that Items 7 and 8 be taken concurrently

7. No. 13RZ021 - Mountain View Subdivision

A request by Doyle Estes to consider an application for a **Rezoning from Low Density Residential District to Medium Density Residential District** for Tract A Less Lot H1 and Less Lot H2, Meadow View Subdivision, located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of Catron Boulevard and Highway 16 intersection.

8. No. 13RZ022 - Mountain View Subdivision

A request by Doyle Estes to consider an application for a **Rezoning from General Agricultural District to Medium Density Residential District** for Tract B of Meadow View Subdivision, located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of Catron Boulevard and Highway 16 intersection.

Laroco presented the applications and reviewed the slides. Laroco noted that the applicant has indicated that the property is projected to be developed as a high end apartment complex but no plans have been submitted as yet. Laroco further noted that Catron Boulevard is a state highway and is also designated as a principal arterial street which will require a Traffic Impact Study and that any improvement identified by the Traffic Impact Study will be required to be completed as a part of the development of the property. Laroco noted that the anticipated future growth of these properties will put additional stress on the access and arterial road and that these issues will need to be addressed as future applications come forward. Laroco stated that staff has received numerous letters in opposition to the applications and that a number of people are here to speak to the issue. Laroco stated that based on the area land uses and arterial street serving the area being designed to handle the traffic flow, staff feels that the rezoning is appropriate, however staff is sensitive to the concerns of the neighborhood and that the Planned Development will serve as a tool to ensure that the development does not have a negative impact on the public welfare in the area. As such staff recommends that the **Rezoning from Low Density Residential District to Medium Density Residential District** and **Rezoning from General Agricultural District to Medium Density Residential District** be approved in conjunction with a Planned Development Designation.

Rose entered the meeting at this time.

Braun stated that he will be abstaining from these items due to a conflict of interest and stepped down from the dais.

Karen Bulman, 1311 Edinborough Drive, noted that she had been before the Planning Commission regarding the Planned Development adjacent to these properties that had been approved in the last year. Bulman noted her concern

that the addition of up to 300 to 500 apartments will create stress on the access to their existing development. Bulman noted that Catron Boulevard was designed as a throughway and that the Department of Transportation would like to maintain the traffic flow without installing additional lights and curb cuts. Bulman stated that the neighborhood requests that the Planning Commission deny the request.

Patrica Hahn, 1105 Regency Court, addressed her concerns including the single access serving so many residents, increased traffic at the intersection and that Carton Boulevard is intended to be a by-pass.

In response to questions from Scull regarding the number of units anticipated for the current developments and review of the previously approved adjacent Planned Development, Fisher stated that the number of units for the Initial Planned Development previously approved was 240 and that the land was already zoned Medium Density Residential District, which is appropriate for multi-family development, but that no projected number of units have been presented for the properties being rezoned.

Kent Hagg, 1120 Regency Court, addressed his concern regarding the ingress and egress to the Wellington and Edinbrough development, which he states is already difficult based on the current structure of the turning lanes and that the addition of 500 plus cars will only increase the stress on the access. Hagg also stated his concern as to the nature of the development that may be proposed. Hagg requested that at a minimum, the Rezoning requests be continued to allow the applicant to submit plans for the development for the public and staff to review. Hagg stated that he welcomes strong, competent development and that the property owners should be able to develop their property, but that the investment of the existing property owners in the neighborhood should be taken into consideration. Hagg requested that the item be continued to allow additional information and time to review.

Hani Shafai, Dream Design International, Inc., representing the owners, spoke to the zoning of the land adjacent to the property which is General Commercial District, Medium Density Residential District and General Agricultural District. Shafai stated that they understand that the property to the south, where the neighborhood is located, would be affected and so they opted for Medium Density Residential District with a Planned Development. Shafai also noted that the topographic restraints and soil base will define how much of and which parts of the property can be developed. Shafai stated that the Medium Density Residential District is the most obvious option for the property.

Shafai addressed the concerns regarding the traffic and access issues and stated that they will work with the Department of Transportation and the neighborhood not only on the traffic issue but the development and design to make it fit the area. Shafai stated that they will review all of the requirements for the development, including potential secondary access and all fire codes and safety. Shafai stated that this is just the initial step in the process to creating the proposed development.

In response to a question from Swank whether additional applications will be before the Planning Commission should this rezone application be approved, Fisher stated that either an Initial Planned Development and/or a Final Planned Development would be reviewed as this development moves forward.

Scull addressed the complex issues associated with Catron Boulevard being a state highway and agreed that it creates a unique set of circumstances and inquired if future development includes a secondary road that would provide access and traffic relief. Fisher stated that there is still discussion regarding such a road, but for now, current development will continue to trigger a Traffic Impact Study and that those improvements will be at the cost of the applicant.

Fisher stated that staff agrees that both traffic and fire safety are issues of concern that need to be addressed as development progresses in this area.

Rose moved to continue the item for 30 days. Motioned died for lack of second.

Bulman stated that she understands the quandary that the Planning Commission faces regarding approving or not approving the rezoning requests and she agrees that the zoning is an appropriate zoning for the area, but that the issues regarding traffic flows and access need to be addressed. Bulman requested the item be continued to allow further information to be provided for review.

Shafai stated that they are not at a point in the process that the Traffic Impact Study has been initiated and that at this point if the requested rezonings are not approved the development will not move forward and any Traffic Impact Study completed will not include potential development.

Discussion followed.

James Letner, 1204 West Boulevard, owner of the adjacent property, stated that he is willing to work with Doyle Estes and the Department of Transportation on the development and the required Traffic Impact Study.

Fisher clarified that the motion is to approve in conjunction with a Planned Development Designation and also clarified that the applicant has indicated that the next time Planning Commission reviews this item, whether it is an Initial Planned Development or a Final Planned Development, there will be a Traffic Impact Study included in the submittal.

Rose moved, Swank seconded and unanimously carried to recommend that the Rezoning from Low Density Residential District to Medium Density Residential District be approved, and; that the Rezoning from General Agricultural District to Medium Density Residential District be approved in conjunction with a Planned Development Designation. (10 to 0 to 1 with Brewer, Marchand, Popp, Raterman, Rippentrop, Rose, Scull and Swank voting yes and none voting

no and Braun abstaining)

9. Discussion Items

Introduction of Jim Lehe – Review Planning Commission results from initial ordinance changes and discuss additional suggestions.

Limbaugh introduced Jim Lehe and briefly discussed his prior visit and resulting study which initiated many of the changes implemented by the Planning Department over the last couple of years. Limbaugh stated that Mr. Lehe has spent the week meeting with numerous members of staff as well as individuals within the development community to get input and feedback on the implemented changes and suggestions for future opportunities for change.

Karen Bulman was seated at the dais at this time.

Braun returned to the dais at this time.

James Lehe, Lehe Consulting, stated that he has been impressed with staff and was pleased to be called back by the Mayor three years after his initial report. He stated the Mayor identified four areas of focus:

- Review of the previous changes
- Identify what are the remaining steps to improve development processes
- Getting to “yes”, or how to work with the public to make things possible
- Staff report structure – to simplify, abbreviate and clarify.

Lehe presented a sample staff report for review, stating that all other documents currently associated with an application will remain as they are; this is just an attempt to modify the staff report itself for a more condensed format.

Brewer stated that the Planning Commission regularly refers to and references and sometimes add to, delete or modify the stipulations so he hopes that they be retained. Lehe stated that many of the items within the section of the report titled stipulations are actually advisories and will be addressed separately. Limbaugh stated that the developers have requested that the staff reports separate advisories statements and stipulations.

Discussion followed regarding the difference between advisories and stipulations.

Bulman agreed that streamlining is important, but that it is also important to provide information for the general public, whom we serve, and cautions that this needs to be considered as changes to staff reports are considered. In addition, Bulman stated that caution should be used when revising the format of stipulations and the format of staff reports to avoid

confusion while providing adequate information on issues of concern..

Braun stated that he would like to retain the applicant information currently located at the top of the staff report but agrees with the breakout of the stipulations and advisory information.

10. Staff Items

11. Planning Commission Items

12. Committee Reports

- A. City Council Report (September 3, 2013)
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, Raterman moved, Rose seconded and unanimously carried to adjourn the meeting at 8:15 a.m. (10 to 0 with, Braun, Brewer, Bulman, Marchand, Popp, Raterman, Rippentrop, , Rose, Scull and Swank voting yes and none voting no)