

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 24, 2013

MEMBERS PRESENT: Carlos Beatty Jr., Erik Braun, John Brewer, Karen Bulman, Linda Marchand, Dennis Popp, Steve Rolinger, Tim R. Rose, and Andrew Scull,. Amanda Scott, Council Liaison was also present.

MEMBERS ABSENT: Cody Raterman, Kay Rippentrop, and Jan Swank.

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Kip Harrington, Patsy Horton, 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 Rose seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 11 in accordance with the staff recommendations. (9 to 0 with Beatty, Braun, Brewer, Bulman, Marchand, Popp, Rolinger, Rose, and Scull voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the October 10, 2013 Planning Commission Meeting Minutes.
2. No. 13CA013 - Original Town of Rapid City
A request by Renner and Associates, LLC for Rapid City Independent School District to consider an application for a **Amendment to the Comprehensive Plan to change the land use designation from Commercial to Public** for the north 28 feet of Lots 25 and 26 and the north 28 feet of the west 10 feet of Lot 27 of Block 125 of the Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 516 South Street.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the land use designation from Commercial to Public be approved.

3. No. 13RZ024 - Original Town of Rapid City
A request by Renner and Associates, LLC for Rapid City Independent School District to consider an application for a **Rezoning from High Density Residential District to Public District** for the north 28 feet of Lots 25 and 26 and the north 28 feet of the west 10 feet of Lot 27 of Block 125 of the Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 516 South Street.

Planning Commission recommended that the Rezoning from High Density

Residential District to Public District be approved in conjunction with the associated Comprehensive Plan Amendment.

4. No. 13VR002 - Original Town of Rapid City
A request by Renner & Associates, LLC for Rapid City Independent School District to consider an application for a **Vacation of Right of Way** for the alley located adjacent to Lots 23 thru 26 and the west 10 feet of Lot 27 of Block 125 and Lots 7 thru 10 and the west 10 feet of Lot 6 of Block 125 of the Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 516 South Street.

Planning Commission recommended that the Vacation of Right of Way be approved.

5. No. 13CA014 - Sections 9 and 16, T1N, R7E
A request by Andrew J. Severson to consider an application for a **Amendment to the Comprehensive Plan to revise the Major Street Plan to reclassify a Minor Arterial Street to a Collector Street** for Park Drive between Jackson Boulevard and Corral Drive, located in Section 9 and 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between Jackson Boulevard and Corral Drive.

The applicant has submitted a Comprehensive Plan Amendment to the Major Street Plan to reclassify a Minor Arterial Street to a Collector Street. Due to a notification error of the Comprehensive Plan Amendment, the request to revise the Major Street Plan cannot be heard at the October 24, 2013 Planning Commission meeting.

6. No. 13RZ025 - Big Sky Business Park
A request by Fisk Land Surveying & Consulting Engineers, Inc for Pilot Properties, LLC to consider an application for a **Rezoning from General Commercial District to Office Commercial District** for Lot 4 of Block 1 of Big Sky Business Park, located in the W1/2 of the SW1/4 of the NW1/4 and the S1/2 of Government Lot 4, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Neel Street and Bernice Street.

Planning Commission recommended that the Rezoning from General Commercial District to Office Commercial District be approved.

7. No. 13RZ026 - Landstroms Subdivision
A request by Shawn Krull for Paula Efta to consider an application for a **Rezoning from Light Industrial District to General Commercial District** for Tract A of Landstroms Subdivision, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 412 Oshkosh Street.

Planning Commission recommended that the Rezoning from Light

Industrial District to General Commercial District be approved.

8. No. 13PL103 - Fountain Springs Business Park

A request by Jake Boerger to consider an application for a **Preliminary Subdivision Plan** for Tract S of Fountain Springs Business Park, legally described as a portion of the S1/2 of the NE1/4 lying south of the I-90 right-of-way and a portion of the N1/2 of the SE1/4, located in the S1/2 of the NE1/4 and in the N1/2 of the SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located laying south of North Plaza Drive.

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

1. **A Final Plat shall be submitted for review and approval.**

*9. No. 13PD041 - Prairie Meadows Subdivision

A request by Sperlich Consulting, Inc. for Prairie Meadows Properties, Inc. to consider an application for a **Final Planned Development to allow a single family residential development** for Lots 1 thru 15 of Block 1, Lots 1 thru 13 and Lots 16 thru 21 of Block 2, Lots 1 and 2 of Block 3 and Lots 1 thru 7 of Block 4 of Prairie Meadows Subdivision, located in Government Lot 4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of East Bengal Drive and Eli Drive.

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

1. **A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be obtained prior to occupancy of the structures;**
2. **All provisions of the International Fire Code shall continually be maintained;**
3. **All provisions of the Low Density Residential District shall continually be maintained unless specifically stipulated as a part of a subsequent Major Amendment to the Planned Development, and;**
4. **All uses permitted in the Low Density Residential District shall be permitted with the review and approval of a building permit. All conditional uses in the Low Density Residential District shall require the review and approval of a Major Amendment to the Planned Development.**

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. 13PL106 - Gemstone Subdivision

A request by Caekaert Construction LLC to consider an application for a **Preliminary Subdivision Plan** for Lots 17A and 17B in Block 1 of Gemstone

Subdivision, legally described as Lot 17 in Block 1 of Gemstone Subdivision, located in Government Lot 1, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 520 & 522 Topaz Lane.

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

- 1. Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of an additional 1.5 feet of right-of-way along Topaz Lane or an Exception shall be obtained; and,**
- 2. Prior to submittal of a Final Plat application, the plat document shall be revised to show the title certificates for a Final Plat in lieu of a Minor Plat.**

11. No. 13PL108 - Gemstone Subdivision

A request by Perry Bicek to consider an application for a **Preliminary Subdivision Plan** for Lots 14A, 14B, 15A and 15B in Block 1 of Gemstone Subdivision, legally described as Lots 14 and 15 of Block 1 of Gemstone Subdivision, located in Government Lot 1, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 508 and 512 Topaz Lane.

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

- 1. Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of an additional 1.5 feet of right-of-way along Topaz Lane or an Exception shall be obtained.**

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*12. No. 13PD037 - Meadowlark Hills Subdivision

A request by FMG Inc for Northwestern Engineering Company to consider an application for an **Initial Planned Development to allow for the expansion of an existing mobile home park** for the SE1/4 of the NE1/4 less Meadowlark Hills Subdivision and less right-of-way, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current eastern terminus of East Madison Street.

Fisher presented the application and reviewed the slides. Fisher noted that in addition to this Initial Planned Development application, the applicant has submitted a Final Planned Development application for the existing mobile home park located north of this property that will be reviewed at the upcoming Planning Commission meeting. Fisher noted that the applicant has been informed that they will need to provide two additional parking spaces or a parking exception must be obtained. The Public Works Division has noted that there is a public sewer main located along the northwest corner of the property, which must be

identified when the Final Planned Development is reviewed. Fisher noted that as requested by Planning Commission, staff has included a section on set back requirements for mobile home parks in the staff report and stated that based on those requirements no set back exceptions are required with the Initial Planned Development. Fisher stated that staff recommends that the **Initial Planned Development to allow for the expansion of an existing mobile home park** be approved with stipulations.

Rolinger moved, Beatty seconded and unanimously carried to approve the Initial Planned Development to allow for the expansion of an existing mobile home park with the following stipulations:

- 1. A Final Planned Development shall be obtained prior to issuance of a building permit;**
- 2. Upon submittal of a Final Planned Development Overlay, the parking plan shall be revised to show that 39 parking spaces are being provided for the 17 proposed mobile home units or the applicant shall request an Exception to reduce the minimum required parking for a mobile home park;**
- 3. Upon submittal of a Final Planned Development, a revised site plan shall be submitted identifying the location of the public sewer main located in the northwest corner of the property. The public sewer main shall be located within a 20 foot public sewer easement and the building footprint for unit 414 shall be revised to be located outside of the easement;**
- 4. Upon submittal of a Final Planned Development, the applicant shall provide engineering analysis that verifies 1,000 gallons per minute fire flow during peak day demand for reservoir full and ½ full scenarios. In addition, the applicant shall verify that domestic water pressures will be 40 pounds per square inch or greater or an Exception from the Infrastructure Design Criteria Manual shall be obtained;**
- 5. Prior to issuance of a building permit, a Developmental Lot Agreement shall be signed and recorded and a copy submitted to Community Planning and Development Services;**
- 6. Upon submittal of a building permit, a revised utility plan shall be submitted showing that each proposed mobile home unit will have an individual water meter or an Exception to the Infrastructure Design Criteria Manual shall be obtained;**
- 7. Access to mobile home units that abut public right-of-way shall be from private streets internal to the mobile home park;**
- 8. All provisions of the Medium Density Residential District and Chapter 15.48 of the Rapid City Municipal Code shall be met unless otherwise specifically authorized as a stipulation of this Initial Planned Development Overlay or a subsequent Final Planned Development Overlay;**
- 9. All applicable provisions of the adopted International Fire Code shall continually be met; and,**
- 10. The Initial Planned Residential Development shall allow for the**

expansion of a mobile home park on the property. Any change in use that is a permitted use in the Medium Density Residential District shall require a building permit. Any change in use that is a Conditional Use in the Medium Density Residential District shall require the review and approval of a Major Amendment to the Planned Development. (9 to 0 with Beatty, Braun, Brewer, Bulman, Marchand, Popp, Rolinger, Rose, and Scull 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.

*13. No. 13PD039 - Founders Park Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. to consider an application for an **Initial Planned Development to allow a mixed use building with office and residential uses** for Lot 1 of Founders Park Subdivision, located in T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 243 Founders Park Drive.

Fisher presented the application and reviewed slides noting that the property proposes to have office use on the main floor and residential use on the top two floors with drive under parking.

Fisher stated that the applicant has requested a height exception to allow the buildings to be 48 feet 10 ½ inches tall in lieu of the maximum 35 feet allowable in Office Commercial Districts. Fisher indicated that the hills located to the west of the property and the size and style of the surrounding structures should help to mitigate the height. Fisher noted that staff supports the exceptions for height and rear yard setbacks noting that with the vegetation and open uses on the adjacent properties will mitigate the nuisances be created by the exceptions. Fisher also noted that staff believes that the current and proposed landscaping and vegetation uses will eliminate the need for a screening fence that will be required as part of the Final Planned Development and hopes that when the application comes before Planning Commission, they will agree with staff and support the exception for the screening fence. Fisher stated that staff recommends that the **Initial Planned Development to allow a mixed use building with office and residential uses** be approved with stipulations.

In response to a question from Rolinger regarding the public access and parking for the Hans Larsen Memorial Park, Fisher confirmed that both will be retained.

Rolinger moved, Popp seconded and unanimously approved the Initial Planned Development to allow a mixed use building with office and residential uses with the following stipulations:

- 1. An Exception is hereby granted to allow a maximum building height of 48 feet 10.5 inches in lieu of the maximum allowed height of 35**

- feet as per Chapter 17.40.050 of the Rapid City Municipal Code;
2. An Exception is hereby granted to reduce the minimum required rear yard setback from 25 feet to 10 feet as per Chapter 17.40.040 of the Rapid City Municipal Code. The reduced rear yard setback area shall not be used for mechanical equipment and a landscaping buffer shall be planted in the setback area;
 3. A Final Planned Development Overlay shall be obtained prior to issuance of a building permit;
 4. Upon submittal of a Final Planned Development Overlay application, a revised parking plan shall be submitted for review and approval providing the minimum number of required handicap accessible parking spaces. In particular, a minimum of 67 parking spaces shall be provided. In addition, three of the parking spaces shall be handicap accessible. One of the handicap spaces shall be “van accessible.” All provisions of the Off-Street Parking Ordinance shall be continually met;
 5. Upon submittal of a Final Planned Development Overlay application, a revised site plan shall be submitted showing that the proposed structure will not overhang the public water main easement on the southeast side of the property;
 6. Upon submittal of a Final Planned Development Overlay application, a revised site plan shall be submitted identifying the location of the public access easement and the location of the new proposed road. In addition, the site plan shall identify the location of the public access easement through the existing parking lot;
 7. Upon submittal of a Final Planned Development Overlay application, a revised site plan shall be submitted identifying a snow removal area and a garbage collection area as per Chapters 17.64.100 and 17.64.110, the M Hill Overlay Zoning District, of the Rapid City Municipal Code. The designated garbage collection shall be screened;
 8. Upon submittal of a Final Planned Development Overlay application, a sign package shall be submitted in compliance with the Sign Code or an Exception shall be requested with the Final Planned Development Overlay application. All signage shall conform to the Sign Code. No electronic signs are being approved as a part of this Initial Planned Development Overlay. All signage not in conformance with the Sign Code or any electronic reader board signs shall require the review and approval of a Final Planned Development. 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 all signs;
 10. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 11. Upon submittal of a building permit, a signed and sealed stormwater report by a professional engineer demonstrating that quantity and quality control of stormwater have been met shall be submitted for

- review and approval;
12. Prior to issuance of a building permit, a Floodplain Development Permit shall be obtained;
 13. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
 14. A minimum of 85,692 landscaping points shall continually 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;
 15. All outdoor lighting shall continually 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;
 16. All applicable provisions of the adopted International Fire Code shall continually be met;
 17. All provisions of the Office Commercial District and the M Hill Overlay District shall be met unless otherwise specifically authorized as a stipulation of this Initial Planned Development Overlay or a subsequent Final Planned Development Overlay in compliance with Chapter 17.50.050 of the Rapid City Municipal Code; and,
 18. The Initial Planned Development shall allow for a three-story mixed use structure to be located on the property. Any change in use that is a permitted use in the Office Commercial District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Office Commercial District shall require the review and approval of a Final Planned Development Overlay. (9 to 0 with Beatty, Braun, Brewer, Bulman, Marchand, Popp, Rolinger, Rose, and Scull 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.

14. No. 13OA002 – Ordinance Amendment
A request by City of Rapid City to consider an application for **An Ordinance Requiring that a Standardized Development Agreement Be Entered into in Conjunction with Submittal Of Development Engineering Plans and Requiring a Fully Executed Development Agreement as a Condition of Approval for a Final Plat by Amending Chapter 16.12 of the Rapid City Municipal Code.**

Limbaugh stated that this ordinance addresses the Development Agreement for Public Improvements that was originally required as part of the Subdivision Ordinance (11OA012) that was approved back in February of 2012. Limbaugh noted that this language had been removed from the ordinance prior to its final

approval as the agreement had not been prepared at that time and that this ordinance provides for that language to be reinserted. Limbaugh noted that two minor revisions that have been made to the Ordinance defining that a Standard Development Agreement with the City be entered into with the submittal of Development Engineering Plan and that a fully executed Development Agreement in a form approved by the City is required with the Final Plat.

In response to a question from Brewer regarding drainage, Limbaugh noted that drainage will be required to be defined as part of the Engineering Development Plan.

In response to a question from Popp regarding drainage and runoff, Braun reviewed an example of how drainage can be handled. Discussion followed.

Bulman moved, Rose seconded and unanimously carried to recommend that the Ordinance Requiring that a Standardized Development Agreement Be Entered into in Conjunction with Submittal Of Development Engineering Plans and Requiring a Fully Executed Development Agreement as a Condition of Approval for a Final Plat by Amending Chapter 16.12 of the Rapid City Municipal Code be approved. (9 to 0 with Beatty, Braun, Brewer, Bulman, Marchand, Popp, Rolinger, Rose, and Scull voting yes and none voting no)

15. Discussion Items

16. Staff Items

17. Planning Commission Items

18. Committee Reports

- A. City Council Report (October 7, 2012)
The City Council concurred with the recommendations of the Planning Commission.
- B. Building Board of Appeals
- C. Zoning Board of Adjustment
- D. Capital Improvements Subcommittee
- E. Tax Increment Financing Committee

There being no further business, Braun moved, Marchand seconded and unanimously carried to adjourn the meeting at 7:34 a.m. (9 to 0 with Beatty, Braun, Brewer, Bulman, Marchand, Popp, Rolinger, Rose and Scull voting yes and none voting no)