

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
March 6, 2014

MEMBERS PRESENT: Karen Bulman, Erik Braun, Linda Marchand, Dennis Popp, Kay Rippentrop, Tim R. Rose, Andrew Scull, Walt Swan, Jr. and Jan Swank. Amanda Scott, Council Liaison was also present.

MEMBERS ABSENT: John Brewer, Brett Monson, Steve Rolinger

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Sarah Hanzel, Patsy Horton, Tim Behlings, Ted Johnson, Wade Nyberg 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.**

**Staff requested that Items 6 be removed from the Consent Agenda for separate consideration.**

**Motion by Rose seconded by Scull and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 8 in accordance with the staff recommendations with the exception of Items 6. (9 to 0 with Bulman, Braun, Marchand, Popp, Rippentrop, Rolinger, Rose, Scull, Swan and Swank voting yes and none voting no)**

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

1. Approval of the February 6, 2014 and February 20, 2014 Meeting Minutes.
2. No. 13PL139 - North Rapid Addition #2  
A request by Fisk Land Surveying and Consulting Engineers, Inc. for Black Hills Area Habitat for Humanity - Scott Engmann Executive Director to consider an application for a **Preliminary Subdivision Plan** for Block 76 of North Rapid Addition #2, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 925 Dilger Avenue.

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

1. **Prior to submittal of a Development Engineering Plan application, the preliminary construction plans and Engineer's Report shall be revised to address redline comments or an Exception to the Infrastructure Design Criteria Manual and/or the Standard Specifications shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application. In addition, the redlined comments shall be returned with the revised construction plans;**

2. Prior to submittal of a Development Engineering Plan application, the applicant shall verify that the alley has been designed to meet 15 mph design speed 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;
3. Prior to submittal of a Development Engineering Plan application, the construction plans shall be revised to show an ADA sidewalk ramp located in the Dilger Avenue right-of-way adjacent to proposed Lot 4 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;
4. Upon submittal of a Development Engineering Plan application, water plans and a revised design report analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, utility easements shall be secured as needed;
5. Upon submittal of a Development Engineering Plan application, sewer plans and a revised design report prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, utility easements shall be secured as needed;
6. Upon submittal of a Development Engineering Plan application, construction plans for Custer Street shall be submitted for review and approval showing the installation of an 8 inch sewer main and an 8 inch water main 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;
7. Upon submittal of a Development Engineering Plan application, construction plans for Van Buren Street shall be submitted for review and approval showing the installation of an 8 inch sewer main and an 8 inch water main 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;
8. Upon submittal of a Development Engineering Plan application, construction plans for Dilger Avenue shall be submitted for review and approval showing the installation of an 8 inch sewer main and upsizing the existing 6 inch water main to an 8 inch water main 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;
9. Upon submittal of a Development Engineering Plan application, construction plans for N. 7<sup>th</sup> Street shall be submitted for review and approval showing the installation of an 8 inch sewer main and upsizing the existing 6 inch water main to an 8 inch water main 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;

10. Upon submittal of a Development Engineering Plan application, geotechnical analysis signed and stamped by a Professional Engineer for public improvements shall be submitted for review and approval. In addition, geotechnical analysis shall be submitted for pavement design or the minimum required pavement section as per the Infrastructure Design Criteria Manual shall be provided;
11. 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;
12. Upon submittal of a Development Engineering Plan application, a final stormwater report, providing sizing of major drainage easements, shall be submitted for review and approval. The stormwater report shall demonstrate no inter-basin transfer between the Morningside Drainage Basin and the Haines Avenue Drainage Basin 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;
13. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. 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. The utility plans shall also be reviewed and approved by the South Dakota Department of Environment and Natural Resources. The private utility layout plan shall also be submitted to the respective utility companies. All final engineering reports shall be signed and sealed by a Professional Engineer;
14. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
15. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
16. 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,
17. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

\*3. No. 13PD057 - North Rapid Addition #2

A request by Fisk Land Surveying and Consulting Engineers, Inc. for Black Hills Area Habitat for Humanity - Scott Engmann Executive Director to consider an application for an **Initial Planned Development Overlay to construct a residential development** for Block 76 of North Rapid Addition #2, located in

Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 925 Dilger Avenue.

**Planning Commission recommended that the Initial Planned Development Overlay to construct a residential development be approved with the following stipulations:**

- 1. An Exception is hereby granted to reduce the minimum required front yard setback from 25 feet to 18.5 feet for proposed Lots 2A and 2C and from 25 feet to 20.5 feet for the remainder of the proposed townhome units located on Lots 1 through 4;**
- 2. An Exception is hereby granted to reduce the minimum required side yard setback for carports located on Lots 1A and 1B, Lots 2B and 2C, Lots 3B and 3C and Lots 4A and 4B from eight feet to zero feet provided that fire resistive construction materials are used;**
- 3. An Exception is hereby granted to reduce the rear yard setback for the proposed apartment building from 25 feet to 14.5 feet;**
- 4. An Exception is hereby granted to reduce the minimum required parking aisle width from 26 feet to 24 feet for the existing parking lot located adjacent to the Garfield School building;**
- 5. A Building Permit shall be obtained prior to any structural construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 6. Prior to issuance of a Building Permit, Development Engineering Plans shall be approved;**
- 7. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved;**
- 8. Upon submittal of a Building Permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;**
- 9. A Final Planned Development Overlay shall be obtained prior to issuance of a building permit;**
- 10. Upon submittal of a Final Planned Development Overlay application for the proposed apartments, a landscaping plan shall be submitted for review and approval. 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;**
- 11. Upon submittal of a Final Planned Development Overlay application for the proposed apartments, a lighting package and a sign package shall be submitted in compliance with the requirements of the Zoning Ordinance. 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;**
- 12. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;**
- 13. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;**

14. All applicable provisions of the adopted International Fire Code shall continually be met;
15. All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial Planned Development Overlay or a subsequent Final Planned Development Overlay; and,
16. The Initial Planned Development shall allow for a total of 12 townhome units in three unit blocks with 12 alley accessed carports and a 13 unit apartment building for the property. Any change in use that is a permitted use in the Medium Density Residential District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Medium Density Residential District shall require the review and approval of a Final Planned Development Overlay.

*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.*

4. No. 14RZ001 - Bradsky Subdivision #2  
A request by Jared Dupont to consider an application for a **Rezoning from General Agricultural District to Light Industrial District** for , legally described as Tract 1, Less Lot H2 of Bradsky Subdivision #2 and Tract 2 of Bradsky Subdivision #2, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Creek Drive between Centre Street and East St. Patrick Street.

**Planning Commission recommended that the Rezoning from General Agricultural District to Light Industrial District be approved.**

5. No. 14PL005 - Homestead Subdivision  
A request by Sperlich Consulting, Inc for SODAK Development Company to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 2 thru 10 of Block 5, Lots 2 thru 7 of Block 6 and Lots 1 thru 7 of Block 9 of Homestead Subdivision, legally described as a portion of the SE1/4 of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the existing terminus of Haakon Street.

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

1. Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained to reduce the K value for the vertical curve at the tie-in to the existing pavement on Homestead Street or the construction plans shall be revised accordingly. 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, the preliminary construction plans shall be revised to address redline comments or an Exception to the Infrastructure Design Criteria Manual and/or the Standard Specifications shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application. In addition, the redlined comments shall be returned with the revised construction plans;
  3. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual, the Rapid City Municipal Code and Rapid Valley Sanitary Sewer District requirements. In addition, utility easements shall be secured as needed;
  4. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual, the Rapid City Municipal Code and the Rapid Valley Sanitary District requirements. In addition, utility easements shall be secured as needed;
  5. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show a 25 foot wide water main easement across Lot 7, Block 9 as requested by the Rapid Valley Sanitary District for a future booster station to be located directly north of the proposed lot;
  6. Upon submittal of a Development Engineering Plan application, geotechnical analysis signed and stamped by a Professional Engineer for public improvements shall be submitted for review and approval. In addition, geotechnical analysis shall be submitted for pavement design or the minimum required pavement section as per the Infrastructure Design Criteria Manual shall be provided;
  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;
  8. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the Drainage Basin Master Plan shall be submitted for review and approval. In addition, drainage easements shall be secured as needed;
  9. Upon submittal of a Final Plat application, documentation shall be submitted for recording securing maintenance and ownership of the local drainage ways and improvements;
  10. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. 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. The utility plans shall also be reviewed and approved by the South Dakota Department of Environment and Natural Resources. The private utility layout plan shall also be submitted to the respective utility companies. All final engineering reports shall be signed and sealed by a Professional Engineer;

11. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
12. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
13. 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,
14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

7. No. 14PL008 - Section 26, T1N, R7E

A request by Renner and Associates, LLC for Greg and Elizabeth Goeken to consider an application for a **Preliminary Subdivision Plan** for Proposed Tract 1R of the W/12 of the NW1/4 of Section 26, legally described as Tract 1 of the W1/2 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located lying approximately 600 feet north of the intersection of US Highway16 and Catron Boulevard on the west side of US Highway 16.

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

1. Prior to submittal of a Final Plat application, a waiver of right to protest any future assessment to improve the adjacent section line highway, the service road and U.S. Highway 16 shall be signed by the applicant or construction plans shall be submitted for review and approval showing the streets improved in compliance with the design standards set forth in the Infrastructure Design Criteria Manual; and,
2. Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of one additional foot of right-of-way along the section line highway as it abuts the west lot line.

8. No. 14AN001 - Stamper Subdivision

A request by Fisk Land Surveying and Consulting Engineers, Inc. for E. Jason Stamper for Stamper Black Hills Gold Jewelry Inc. to consider an application for a **Petition of Annexation** Lot 1R of Block 1 of Old Town, located in Section 26, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7201 S. Highway 16.

**Planning Commission recommended that the Petition for Annexation be**

approved.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

6. No. 14PL007 - Elks Country Estates

A request by Sperlich Consulting, Inc. for ZCO, Inc. to consider an application for a **Preliminary Subdivision Plan** for Proposed Lot 25 of Block 10, Lot 1 of Block 13 and Lots 4 through 20 of Block 14 of Elk Country Estates, legally described as a portion of Tract 1 of the E1/2 of Section 16, T1N, R8E, located in the SE1/4 of the SE1/4 of Section 16, T1N, R8E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located southeast of the intersection of Padre Drive and Jolly Lane.

Fisher presented the application noting that staff had received a letter of opposition from the representative of a neighboring land owner, which had been provide to the Planning Commissioners prior to the meeting, and that land owner and his representative were in the audience to speak regarding their concern for exceptions that might be granted to waive requirement to improve Minnesota Street and the section line highway.

Fisher noted that the applicant has requested an Exception to waive the requirement to build Minnesota at this time. The request has been denied and appealed to City Council and will be heard at Public Works, March 11, 2014. Fisher stated that to date staff has not received an Exception to waive the requirement for the section line highway along the east lot line.

David Lamb, 4555 Reservoir Road, spoke regarding his concerns with the development and infrastructure in the area for the future growth and development of the area. Lamb stated that he feels that ensuring that Minnesota Street is retained and built as a major arterial for secures access for the growing area. Lamb also stated that the section line vacation or exceptions being requested limits current access and may be a limitation for future access.

Fisher stated that staff agrees with the importance of connective to adjacent properties and the development of the infrastructure including the roads and is addressed by stipulations in the staff report, noting that the Exception for Minnesota street has been denied and forwarded to City Council for their decision. Should the Section Line Highway Exception be received, Fisher believes now that staff is aware of the neighboring property owners of the concern, that request will probably be forwarded to City Council as well and that staff welcomes Mr. Lamb's involvement in those discussions.

Edward Carpenter, of Costello, Porter, Hill, Heisterkamp, Bushnell and Carpenter Law Firm, stated that the possible change to the Section Line Highway could change the secondary access to the property. He noted that there are discussions with the developers currently to address this issue.



Kale McNaboe, Sperlich Consulting Inc., stated that Exception for Minnesota Street has already been denied and they are not asking for any changes to the recommendations made in the staff report and requests that the Planning Commission approve the application before them.

In response to question from Braun, Fisher stated that the Exception for the Section Line Highway has not been submitted, but that the Exception for Minnesota Street will be discussed at the Public Works and then City Council. Fisher stated that this application is in compliance with the Master Plan for the Planned Development previously approved and that staff recommends approval of the Preliminary Subdivision Plan with stipulations.

In response to a question from Bulman regarding the east west access that is anticipated, Fisher stated that they anticipate that if the Vacation of the Section Line Highway is not approved that the applicant would request reductions of setbacks, noting staff has previously supported this type of request.

In response to a question by Popp regarding evacuation due to fire, Fisher stated that this meets the Fire Departments requirements for emergency ingress and egress.

**Swank moved, Rose seconded to recommend that the Preliminary Subdivision Plan be approved with the following stipulations:**

- 1. Prior to submittal of a Development Engineering Plan application, the construction plans shall be revised to show the proposed curve along Ping Drive in compliance with ASHTO Standards 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. Prior to submittal of a Development Engineering Plan, the construction plans and the proposed Master Plan shall be revised to address redline comments or an Exception to the Infrastructure Design Criteria Manual and/or the Standard Specifications shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application. In addition, the redlined comments shall be returned with the revised construction plans;**
- 3. Upon submittal of a Development Engineering Plan application, water plans prepared by a Registered Professional Engineer and in conformance with the Infrastructure Design Criteria Manual shall be submitted for review and approval demonstrating that adequate fire and domestic flows are being provided to support the proposed development. In addition, utility easements shall be secured as needed;**
- 4. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer shall be submitted for review and approval. In particular, the sewer plans shall be in conformance with the Infrastructure Design Criteria Manual and**

the design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. Utility easements shall be secured as needed;

5. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway located along the east lot line shall be submitted for review and approval. In particular, the construction plans shall show the section line highway located within a minimum 52 foot wide right-of-way 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. 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 for Minnesota Street shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer 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;
7. Upon submittal of a Development Engineering Plan application, construction plans for Jolly Lane shall be submitted for review and approval showing an additional two feet of pavement width for a minimum width of 34 feet or the construction plans shall be revised to provide "No Parking" signs along Jolly Lane or an Exception shall be obtained. In addition, the construction plans shall show the construction of sidewalk along Jolly Lane or a Variance shall be obtained to waive the requirement. If an Exception and/or Variance is obtained, a copy of the approved Exception and/or Variance shall be submitted with the Development Engineering Plan application;
8. Upon submittal of a Development Engineering Plan application, a drainage plan shall be submitted for review and approval. The drainage plan shall confirm that storm water quality treatment for the proposed development was previously accounted for in previous drainage improvements or storm water quality treatment shall be provided as required by Rapid City Municipal Code 8.48. In addition, drainage easements shall be secured as needed;
9. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. 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;
10. Upon submittal of a Development Engineering Plan application, a cost estimate of any required subdivision improvements shall be

- submitted for review and approval;
11. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
  12. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised relabeling Lot 1 of Block 13 as that legal already exists;
  13. Prior to submittal of a Final Plat application, all required subdivision improvements shall be completed and the subdivision inspection fees shall be paid;
  14. Upon submittal of a Final Plat application, documentation shall be submitted for recording securing maintenance and ownership of the proposed drainage elements. In addition, a Major Drainage Easement shall be dedicated for all drainage improvements, including an easement to the outlet of the proposed detention pond; and,
  15. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (9 to 0 with Bulman, Braun, Marchand, Popp, Rippentrop, Rose, Scull, Swan and Swank voting yes and none voting no)

\*9. No. 13PD049 - Copperhill Ridge Subdivision

A request by Davis Engineering, Inc for Chapel Lane Water Company to consider an application for a **Final Planned Development Overlay to construct a water reservoir** for Lot 2 of Lot A of Copperhill Ridge Subdivision, located in the SE1/4 of the SW1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current western terminus of Copper Hill Ridge.

Lacock presented the application noting that the applicant has submitted revised plans moving the tower up the hill approximately 80 feet and reducing the height of the tower from 57 feet to 36 feet. In addition, the plans show a berm and vegetation screening to be provided for the tower. With these changes, the majority of the neighbors previously in opposition to the tower are now in concurrence with the request. Lacock presented staff's recommendation that the application for a **Final Planned Development Overlay to construct a water reservoir** be approved with stipulations.

**Swank moved, Scull seconded and unanimously carried to approve the Final Planned Development Overlay to construct a water reservoir with the following stipulations:**

1. **An Exception is hereby granted to allow a gravel surfaced driveway in lieu of a paved driveway except for the first 50 feet as per Chapter 17.50.270(G)1 of the Rapid City Municipal Code;**
2. **An Exception is hereby granted to eliminate the minimum parking requirement and to allow a gravel service area in lieu of the paved parking;**
3. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**

4. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
5. Upon submittal of a building permit, the applicant shall specify the depth of the rip rap and confirm that the concrete drain and rip rap is adequate to prevent erosion down the hillside toward Rapid Creek. In addition, the plans shall be revised to show erosion control blanket requirements;
6. Upon submittal of a building permit, the applicant shall confirm if corrosion protection is required and how it is being provided on buried metallic fittings;
7. Upon submittal of a building permit, a revised site plan shall be submitted showing that the first 50 feet of the driveway shall be paved;
8. A Minimal Amendment to the Planned Development Overlay shall be required for any future proposed signage in compliance with the Sign Code. In addition, future proposed signs not in compliance with the Sign Code shall require a Major Amendment to the Planned Development Overlay. Any proposed signage shall continually conform to Chapter 15.28 of the Rapid City Municipal Code. 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. A Minimal Amendment shall be required for any future proposed outdoor lighting. 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;
10. Upon submittal of a building permit, a landscaping plan for the developed area of the proposed utility lot shall be submitted for review and approval. 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.
11. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
12. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment; and,
13. The Final Planned Development Overlay shall allow a 36 foot high water reservoir with screening as coordinated with the neighborhood. Amendments shall be allowed in conformance with Chapter 17.50.070 of the Rapid City Municipal Code. . (9 to 0 with Bulman, Braun, Marchand, Popp, Rippentrop, Rose, Scull, Swan 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. 14PL004 - Rainbow Ridge Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 27R of Block 2, Lots 39 thru 53 of Block 2, Lots 9 thru 11 of Block 3 of Rainbow Ridge Subdivision, legally described as the S1/2 of the NE1/4 less the Rainbow Ridge Subdivision and less right-of-way; Lot 27 of Block 2 of Rainbow Ridge Subdivision, all located in Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Bunker Drive at the current western terminuses of Gladys Street and Alma Street.

Fisher presented the application. Fisher noted that this item is on the non-consent agenda to allow Planning Commission Braun to abstain from voting due to a conflict of interest and stated that staff recommends that **the Preliminary Subdivision Plan** be approved with stipulations.

**Bulman moved, Rose seconded and carried to recommend that the Preliminary Subdivision Plan be approved with the following stipulations;**

- 1. Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained to allow Gladys Street to serve as access to 27 lots in lieu of a maximum of 20 lots for a cul-de-sac street as per Section 2.13.1 of the Infrastructure Design Criteria Manual or the plat document shall be revised as needed to meet 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, the construction plans shall be revised to address redline comments or an Exception to the Infrastructure Design Criteria Manual and/or the Standard Specifications shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application. In addition, the redlined comments shall be returned with the revised construction plans;**
- 3. Upon submittal of a Development Engineering Plan application, water plans prepared by a Registered Professional Engineer shall be submitted for review and approval demonstrating that adequate fire and domestic flows are being provided. In addition, the plans shall include design information as required pursuant to Section 3.9 of the Infrastructure Design Criteria Manual, including Table 3-1 and 3-2 and shall reference previous reports prepared for this area. Utility easements shall be secured as needed;**
- 4. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer shall be**

- submitted for review and approval. In particular, the sewer plans shall be in conformance with the Infrastructure Design Criteria Manual and the design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. Utility easements shall be secured as needed;
5. Upon submittal of a Development Engineering Plan application, the construction plans shall be revised for Gladys Street showing the cul-de-sac bulb constructed with a minimum 96 foot diameter paved surface 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;
  6. Upon submittal of a Development Engineering Plan application, geotechnical analysis signed and stamped by a Professional Engineer for the public improvements shall be submitted for review and approval;
  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;
  8. Upon submittal of a Development Engineering Plan application, a drainage plan shall be submitted for review and approval. The drainage basin plan shall confirm that downstream improvements have been constructed to accommodate the proposed development. In addition, drainage easements shall be secured as needed;
  9. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. 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;
  10. Upon submittal of a Development Engineering Plan application, a cost estimate of any required subdivision improvements shall be submitted for review and approval;
  11. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
  13. Prior to submittal of a Final Plat application, all required subdivision improvements shall be completed and the subdivision inspection fees shall be paid; and,
  14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. . (9 to 0 with Bulman, Braun, Marchand, Popp, Rippentrop, Rose, Scull, Swan and Swank voting yes and none voting no)

\*11. No. 14UR002 - Section 35, T2N, R7E

A request by Yorkshire Limited Liability Company to consider an application for a **Major Amendment to a Conditional Use Permit to allow an electronic message center** for the north 114.4 feet of Lot C of the balance of Lot G of the SW1/4 of the SW1/4 of Section 35, T2N, R7E and of the NW1/4 of the NW1/4 of Section 2, T1N, R7E, less Lot H1; the W1/2 vacated Kirkeby Land adjacent to said north 114.4 feet of Lot C, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 502 Mountain View Road.

Laroco presented the application noting that the Planning Commission had previously approved a Conditional Use Permit to allow the car wash with the stipulation that any LED signage would require a Major Amendment to the Conditional Use Permit. Laroco reviewed the slides and noted that the total square footage of electronic message board is 30.13 square feet, well below the allotted square footage for LED message boards, that the sign is 10 feet above grade and less than 45 feet in height but, as Planning Commission has requested that all LED signs in a Planned Development or Conditional Use Permits be brought for review and that the requested sign meets all of the requirements of the sign code and that if the Planning Commission determines the sign is appropriate staff recommends that the application for a **Major Amendment to a Conditional Use Permit to allow an electronic message center** be approved with stipulations.

In response to a question from Popp on the sign's location, Laroco reviewed the slides showing the sign's location and dimensions noting the cantilevering which clears the sign from the right-of-way.

Bulman expressed her concern regarding LED signs and the distraction that they create and stated that she would be voting against this request.

**Rose moved, Scull seconded and carried to approve the Major Amendment to a Conditional Use Permit to allow an electronic message center with the following stipulations:**

- 1. If the Planning Commission should determine that this location is appropriate, then staff recommends that the proposed LED message center be approved as shown on the submitted plans and in compliance with the Rapid City Sign Code. All signage shall continually comply with the requirements of the Rapid City Sign Code. Changes to the signage which comply with the requirements of the Rapid City Sign Code will be permitted. A sign permit is required for reach sign;**
- 2. All parking shall continue to comply with the requirements of the Rapid City Municipal Code and the previously approved site plan;**
- 3. All landscaping shall continue to comply with the requirements of the Rapid City Municipal Code and the previously approved landscaping plan;**
- 4. All provisions of the International Fire Code shall be continually maintained;**

5. All provisions of the General Commercial District shall be continually maintained, and;
6. This Major Amendment to the Conditional Use Permit shall allow the installation of an LED message center on the property as shown in submitted plans and in compliance with the Rapid City Sign Code. All permitted uses which do not increase parking requirements on the site shall be permitted. All conditional uses proposed on the site or uses which increase the required amount of parking shall require the review and approval of a Major Amendment to the Conditional Use Permit. . (8 to 1 with, Braun, Marchand, Popp, Rippentrop, Rose, Scull, Swan and Swank voting yes and Bulman 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. No. 14PD003 - Original Townsite

A request by Gene Fennell Design, Inc. for Sandra McNeely to consider an application for a **Major Amendment to the Planned Development to allow a caretakers unit** for Lot 1 thru 5 of Block 88 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 201 Main Street.

Lacock presented the application noting that previous Amendments to the Planned Development for a church and a brewery on this property, had previously reduced the parking requirements to zero. The caretaker's unit would require two additional parking spaces but since the caretakers unit is to be used solely by the owner, staff supports the Exception and recommends that the application for a **Major Amendment to the Planned Development to allow a caretakers unit** be approved with stipulations.

In response to a question from Swank of whether the use of on-street parking is tracked, Fisher stated that all variances are recorded. Fisher also noted that the separation between the Central Business District and General Commercial District, create parking issues since the on-street parking is designed similarly for both districts but only the General Commercial District requires off-street parking.

Popp noted his concern to the reduction in parking requirements. Fisher stated that this request for the caretaker's unit is structured so that the use would not create additional parking needs. Popp stated he has concerns regarding the parking in downtown Rapid City. Discussion followed.

**Bulman moved, Rose seconded and unanimously carried to approve the Major Amendment to the Planned Development to allow a caretakers unit with the following stipulations:**



1. An Exception is hereby granted to reduce the minimum required parking from 130 parking spaces to zero parking spaces provided that the caretakers unit is only used by the owners of the property and is not for rent. Future expansion to the structure or changes to the uses in the building which increase the required amount of parking shall require a Major Amendment to the Planned Development;
2. A Building Permit shall be obtained prior to construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. Prior to issuance of a building permit, an 11.1 Historic Review shall be obtained;
4. 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;
5. Prior to issuance of a sign permit, all signage shall obtain the review and approval of the Historic Sign Board. All signage shall comply with Chapter 17.50.080 of the Rapid City Municipal Code. Future changes to the sign package shall require the review and approval of the Historic Sign Board. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Major Amendment to the Planned Development. A sign permit shall be required for any signs;
6. All applicable provisions of the International Fire Code shall be maintained; and,
7. This Major Amendment to the Planned Development shall allow for a caretakers unit only to be used by the owners of the property and not for rent. The previously approved church and brewery/on-sale uses shall remain. All permitted uses in the General Commercial District that do not require additional parking shall require the review and approval of a Minimal Amendment to the Planned Development. All permitted uses that require additional parking or conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development. . (9 to 0 with Bulman, Braun, Marchand, Popp, Rippentrop, Rose, Scull, Swan 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.*

- \*13. No. 14UR003 - Rapid City Greenway Tract  
A request by Wyss Associates, Inc. for Destination Rapid City to consider an application for a **Major Amendment to a Conditional Use Permit to allow park amenities as a part of the promenade** 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

lying north of Omaha Street between Mount Rushmore Road and 5th Street.

Laroco presented the application and briefly reviewed the previous Conditional Use Permits to allow structures in the Flood Hazard District associated with the project known as the Memorial Park Promenade. Laroco stated that this application is requesting to allow the placement of park amenities to be known as Legacy Commons, which include walkways, playground pods including ADA accessible units. Lacock noted that none of the pods are being built in the Floodway. Laroco stated that staff recommends that the application for a **Major Amendment to a Conditional Use Permit to allow park amenities as a part of the promenade** be approved with stipulations.

In response to a question from Bulman, Laroco stated that Friends of the Parks are in support of this application and that the Rapid City Parks Division is involved in reviewing the application. Bulman stated that even though she has concerns regarding structures in the flood plain, she feels this type of use will be a benefit to the park. Laroco reviewed the location of the proposed playground pods.

In response to Sculls question as to why they chose the location within the park that they did, Pat Wyss, Wyss Associates, stated that the potential expansion of the Civic Center and the pond at the north side of the park as well as the opportunity to pull people into the park from Main Street Square with the visual access made the current location ideal.

**Bulman moved, Rose seconded to approve the Major Amendment to a Conditional Use Permit to allow park amenities as a part of the Memorial Park Promenade with the following stipulations:**

- 1. Prior to issuance of a building permit, plans shall be revised to show that a 12 foot wide sidewalk is being provided as the primary east to west connector as shown on the Rapid City Area Bicycle and Pedestrian Master Plan;**
- 2. Prior to issuance of a building permit, a Flood Plain Development Permit shall be obtained and/or revised to include the areas proposed for construction;**
- 3. Prior to issuance of a building permit, all redlined comments shall be addressed and all redlined drawings shall be returned to Community Planning and Development Services;**
- 4. Prior to issuance of a building permit, the applicant shall submit proof of concurrence for the project plans to Community Planning and Development Services from the Rapid City Parks and Recreation Department;**
- 5. A building permit shall be obtained prior to commencing construction. An air quality permit shall be obtained prior to disturbances of earth greater than one acre;**
- 6. Temporary and/or permanent erosion and sediment control measures shall continually be provided;**
- 7. A minimum of 197,600 points of landscaping shall be provided. All**

landscaping shall comply with the submitted plans and be maintained in compliance with the requirements of the Rapid City Landscaping Ordinance;

8. All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Conditional Use Permit. The addition of LED signage shall require a Major Amendment to the Conditional Use Permit. A sign permit is required for each sign;
9. All lighting shall be installed as shown on submitted plans and maintained in compliance with the Rapid City Municipal Code. All lighting shall be designed to preclude shining on adjacent properties and/or rights-of-way, so as not to create a nuisance of any kind to passing traffic;
10. All requirements of the International Fire Code shall be continually maintained;
11. All requirements of the Flood Hazard District shall be continually maintained, and;
12. This Major Amendment to the Conditional Use Permit shall allow for the construction of park amenities to be known as Legacy Commons as a part of the Memorial Park Promenade. Uses permitted within the Flood Hazard District shall be permitted contingent upon provision of sufficient parking. Conditional uses in the Flood Hazard District shall require a Major Amendment to the Conditional Use Permit. (9 to 0 with Bulman, Braun, Marchand, Popp, Rippentrop, Rose, Scull, Swan 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.***

14. Discussion Items  
None

15. Staff Items  
A. Review Recent Ruling on Casino Lawsuit and pending Ordinance

Wade Nyberg of the attorney office reviewed the recent lawsuit regarding Casinos or Video Lottery noting that the City controls alcohol license required to operate a casino not specifically the operation of the casino. Wade noted that the language of the ordinance limits the control available to the city by stating that a license will be issued then allows for review based on the buffering and undo concentration. Wade stated that they will be revisiting this ordinance possibly addressing it as a conditional use permit application. Discussion followed.

Fisher stated that staff had recently received a request to consider pet

stores in the Central Business District which is not currently allowed. Fisher requested direction from Planning Commission for staff to work on drafting an ordinance amendment to allow this use as a Conditional Use in the Central Business District.

Bulman stated that an ordinance with specific limitations might work. Discussion followed

Scull moved, Braun seconded and carried to direct staff to draft an ordinance for further review to allow a pet store as a conditional use in the Central Business District. **(8 to 1 with Bulman, Braun, Marchand, Rippentrop, Rose, Scull, Swan and Swank voting yes and Popp voting no)**

Patsy requested a Special Study Session with the Planning Commission be held March 20, 2014 at 7:00 a.m. to allow input on the Draft Comprehensive Plan before it is brought forward to the public for hearing for adoption.

**Rose moved, Bulman seconded and carried to acknowledge the Special Training Session on March 20, 2014. (9 to 0 with Bulman, Braun, Marchand, Popp, Rippentrop, Rose, Scull, Swan and Swank voting yes and none voting no)**

Patsy noted that there will be small group sessions on March 13, 2014 for those that cannot attend the March 20, 2014 meeting. Patsy or a member of her staff will be contacting Planning Commissioners to confirm their availability.

16. Planning Commission Items  
None

17. Committee Reports

- A. City Council Report (February 18, 2014)  
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, Rose moved, Scull seconded and unanimously carried to adjourn the meeting at 8:25 a.m. (9 to 0 with Braun, Bulman, Marchand, Popp, Rippentrop, Rose, Scull, Swan and Swank voting yes and none voting no)**