

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 27, 2014

MEMBERS PRESENT: Erik Braun, Karen Bulman, Linda Marchand, Brett Monson, Dennis Popp, Steve Rolinger, Tim R. Rose, Andrew Scull, and Jan Swank. Amanda Scott, Council Liaison was also present.

MEMBERS ABSENT: John Brewer, Kay Rippentrop, Walt Swan, Jr.

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Rich Broderick, 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 3, 4 and 6 be removed from the Consent Agenda for separate consideration.

Scull requested that Item 5 be removed from the Consent Agenda for separate consideration.

Motion by Swank seconded by Rolinger and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 6 in accordance with the staff recommendations with the exception of Items 3, 4, 5 and 6. (9 to 0 with Braun, Bulman, Marchand, Monson, Popp, Rolinger, Rose, Scull and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the March 6, 2014 Planning Commission Meeting Minutes.
2. No. 13PL119 - Dahm Subdivision
A request by Fisk Land Surveying and Consulting Engineers, Inc for Robert and Stacie Tschetter to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 2A and 2B of Dahm Subdivision, legally described as Lot 2 of Dahm Subdivision, located in Section 18, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 6664 Dark Canyon Road.

Planning Commission recommended acknowledgment of the withdrawal of the Preliminary Subdivision Plan.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that Items 3 and 4 be taken concurrently.

3. No. 14CA001 - Sections 6, T1N, R8E

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to revise the Major Street Plan by removing and realigning proposed collector streets** located in the S1/2 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between East St. Andrew Street and East St. James Street between Elm Street and East St. Joseph Street.

4. No. 14VR001 - Section 6, T1N, R8E

A request by FMG Inc. for South Dakota School of Mines & Technology to consider an application for a **Vacation of Right of Way** for that portion of Hawthorne Avenue lying north of East Saint Andrew Street located in the E1/2 of the SE1/4 of the SW1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in that portion of Hawthorne Avenue lying north of East St. Andrew Street.

Fisher stated that the notification requirement for the Vacation of Right-of-Way was not met and that staff has received e-mails from an adjacent property owner indicating concern with the requests. After discussions with the School of Mines regarding the applications, Fisher indicated that they are in agreement with continuing the applications. As such staff requests that the **Amendment to the Comprehensive Plan to revise the Major Street Plan by removing and realigning proposed collector streets** and the **Vacation of Right of Way** be continued to the April 10, 2014 Planning Commission meeting.

Scull moved, Rolinger seconded and unanimously carried that the Amendment to the adopted Comprehensive Plan to revise the Major Street Plan by removing a proposed collector street and realigning a proposed collector street (14CA001) and the Vacation of Right of Way (14VR001) be continued to the April 10, 2014 Planning Commission Meeting. (9 to 0 with Braun, Bulman, Marchand, Monson, Popp, Rolinger, Rose, Scull and Swank voting yes and none voting no)

*5. No. 14PD004 - Rushmore Crossing Subdivision

A request by FFRC, LLC to consider an application for a **Final Planned Development Overlay to Construct a home furnishings retail store** Tract G of Rushmore Crossing Subdivision, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 851 Eglin Street.

Scull stated that he would be abstaining from voting on the item due to a conflict of interest.

Fisher presented staff's recommendation that the **Final Planned Development Overlay to Construct a home furnishings retail store** be approved with stipulations.

Swank moved, Braun seconded and carried to approve the Final Planned Development Overlay to construct a home furnishings retail store with the

following stipulations:

- 1. A minimum of 43,329 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscape 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;**
- 2. A minimum of 40 parking spaces shall be provided. Two 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;**
- 3. A Building Permit shall be obtained prior to any structural 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. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;**
- 6. All signage shall conform to the Sign Code. No electronic signs are being approved as a part of this Final 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 Major Amendment to the Planned Development. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment. 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;**
- 7. 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;**
- 8. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment;**
- 9. All applicable provisions of the International Fire Code shall be maintained; and,**
- 10. This Final Planned Development shall allow for a home furnishings retail store. 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. (8 to 0 to 1 with Braun, Bulman, Marchand, Monson, Popp, Rolinger, Rose and Swank voting yes and none voting no and Scull abstaining)**

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must

be submitted in writing to the Department of Community Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

*6. No. 14UR004 - Wildwood Subdivision

A request by Gustafson Builders, Peter Neumann for Curtis Rising to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lot 6 of Block 3 of Wildwood Subdivision, located in Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5568 Wildwood Drive.

Lacock presented the application and reviewed the slides. Lacock noted that the item had been pulled from the consent agenda due to inquiries on the application, but no follow up was received and the interested party is not in attendance. Lacock presented staff recommendation that the **Conditional Use Permit to allow an oversized garage** be approved with stipulations.

Rolinger moved, Rose seconded and unanimously carried to approve the Conditional Use Permit to allow an oversized garage with the following stipulations:

1. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
2. **Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;**
3. **Upon submittal of a building permit, water and sewer services to the proposed detached garage shall be identified;**
4. **All provisions of the Low Density Residential District shall be met;**
5. **All applicable provisions of the adopted International Fire Code shall continually be met; and,**
6. **The Conditional Use Permit shall allow for an oversized garage to be located on the property. The garage shall not be used for commercial purposes or as a second residence. In addition, the garage shall not be used as a rental unit. The orientation of the garage doors shall face west as shown on the applicants site plan. Any change in use that is a permitted use in the Low Density Residential District shall require a building permit. Any change in use that is a Conditional Use in the Low Density Residential District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (9 to 0 with Braun, Bulman, Marchand, Monson, Popp, Rolinger, Rose, Scull and Swank voting yes and none voting no)**

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

7. Discussion Items
None

8. Staff Items

A. Exparte Communication Training

Wade Nyberg presented a power point presentation on Ex Parte Communication. Nyberg explained that the Ex Parte Communications is defined as talking with one party outside a public meeting without the other party being present noting that it is generally associated with quasi-judicial bodies. He stated that the appearance of fairness is important in order to provide a fair hearing. Nyberg reviewed what is considered ex parte and what is not, how to handle or avoid such instances and reviewed what qualifies for disqualifying or cause for abstaining from an issue.

B. Sign Code Enforcement Discussion

Marchand stated that this item will be continued to the April 10, 2014 Planning Commission meeting as Allison Marsland, of the City Attorney's office was unable to attend today's meeting.

9. Planning Commission Items

None

10. Committee Reports

A. City Council Report (March 3, 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, Popp seconded and unanimously carried to adjourn the meeting at 7:33 a.m. (9 to 0 with Braun, Bulman, Marchand, Monson, Popp, Rolinger, Rose, Scull and Swank voting yes and none voting no)