

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 10, 2014

MEMBERS PRESENT: Erik Braun, Karen Bulman, Linda Marchand, Kay Rippentrop, Tim R. Rose and Jan Swank. Amanda Scott, Council Liaison was also present.

MEMBERS ABSENT: John Brewer, Brett Monson, Dennis Popp, Steve Rolinger, Andrew Scull and Walt Swan, Jr.

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Sarah Hanzel, Patsy Horton, Tim Behlings, Ted Johnson, Wade Nyberg, Allison Marsland, Andy Chelbck, Barb Garcia 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.

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

---CONSENT CALENDAR---

1. Planning Commission approved the March 27, 2014 Planning Commission Meeting Minutes.
2. No. 14PL014 - Murphy Ranch Estates Subdivision
A request by Davis Engineering, Inc., for Arlene Murphy Estate, Dennis Murphy, Personal Representative to consider an application for a **Preliminary Subdivision Plan** for Lots 2 thru 7 of Block 1, Lots 14 thru 27 of Block 3, Lots 1 thru 4 of Block 9, Lot 6 of Block 11, Lots 1 thru 11 of Block 12 and Lot 1 of Block 13 of Murphy Ranch Estates, legally described as Tract A of Murphy Ranch Estates Subdivision, located in the NE1/4 of the NW1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Reservoir Road on the south side of Long View Road.

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

1. **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;**

2. Upon submittal of a Development Engineering Plan application, construction plans for Longview Road shall be submitted for review and approval showing the street constructed with a minimum 36 foot pavement width, curb, gutter, sidewalk, street light conduit, sewer and a parallel City 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;
3. Upon submittal of a Development Engineering Plan application, construction plans for Derringer Road, Block Powder Road, Springfield Road and Enfield Loop Road shall be submitted for review and approval showing the street(s) 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;
4. 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. The water plan and analysis shall demonstrate that adequate fire flow can be achieved under peak day demand. In addition, utility easements shall be secured as needed;
5. 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, the sewer plans submitted with this application shall ensure that sewer for future Phase 8 will accommodate the eight existing homes located on the east side of Colvin Street. Utility easements shall also be secured as needed;
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 Infrastructure Design Criteria Manual. In addition, drainage easements, including any necessary offsite 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 stormwater facility and the open space lot;
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. Prior to submittal of a Final Plat application, the plat document shall be revised to show "Black Powder" as two words in lieu of one;
14. Prior to submittal of a Final Plat application, the plat document shall be revised to show the formerly section of the plat title as "Tract A of Murphy Ranch Estates Subdivision" in lieu of "A portion of Tract F of the NW1/4 of Section 14, T1N, R8E;
15. 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,
16. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

*3. No. 14UR005 - Madison's Subdivision

A request by Marilyn Hogen for Holly Kennedy to consider an application for a **Major Amendement to a Conditional Use Permit to allow a preschool/daycare** for Lot 5 of Madison's Subdivision, located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 602 Auburn Drive.

Planning Commission approved the Major Amendement to a Conditional Use Permit to allow a preschool/daycare with the following stipulations:

1. A building permit shall be obtained. A Certificate of Occupancy shall be obtained prior to initiation of the child care center use;
2. Prior to issuance of a Certificate of Occupancy, property line sidewalk shall be extended along those portions of the property abutting Auburn Drive;
3. The child care center shall operation in compliance with the submitted operations plan;

4. All landscaping shall continue to comply with the requirements of the Rapid City Landscaping Ordinance;
5. All parking and loading/unloading zones shall continue to comply with the requirements of the Rapid City Parking Ordinance;
6. All signage shall comply with the requirements of the Rapid City Sign Code. A sign permit shall be required for each sign;
7. All provisions of the International Fire Code shall be continually maintained;
8. All provisions of the Medium Density Residential District and the requirements for a child care center pursuant to Chapter 17.50.150 of the Rapid City Municipal Code shall be continually maintained, and;
9. This Conditional Use Permit shall allow for a child care center to be operated as an after school program by the Rapid City School District. Uses permitted in the Medium Density Residential District shall be permitted with an approved building permit and contingent upon provision of sufficient parking. Conditional uses shall require the review and approval of a Major Amendment to the Conditional Use Permit. Changes in the operator of the child care center shall require the review and approval of a Major Amendment to the Conditional Use Permit.

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. 14PD006 - Robbinsdale #10 Subdivision

A request by Ann Van Loan for Western Resources for Disabled Independence to consider an application for a **Final Planned Development Overlay to allow an adult daycare** for Lot 2R of Block 19 of Robbinsdale #10 Subdivision, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4110 Winfield Street.

Planning Commission approved the Final Planned Development Overlay to allow an adult daycare with the following stipulations:

1. An Exception to reduce the required amount of off-street parking on the property from 15 spaces to 12 spaces is hereby granted. All parking shall comply with the Rapid City Parking Ordinance;
2. A building permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to initiation of the adult day care center use;
3. All landscaping shall continue to comply with the requirements of the Rapid City Landscaping Ordinance;
4. All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved with the approval of this Final Planned Development. The addition of LED signage shall require a Major Amendment to the

Planned Development. A sign permit is required for each sign;

5. **All 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;**
6. **All provisions of the International Fire Code shall be continually maintained;**
7. **The adult day care shall be operated in compliance with the submitted operations plan and the requirements of the Medium Density Residential District. All requirements of the Medium Density Residential District shall be continually maintained unless specifically stipulated as a part of this Final Planned Development or a subsequent Major Amendment to the Planned Development, and;**
8. **This Final Planned Development shall allow for the development of an adult day care. Any uses permitted in the Medium Density Residential District shall be permitted, contingent upon obtaining a building permit and the provision of sufficient off-street parking. Any conditional uses in the Medium 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.

5. No. 14RZ002 - Section 25, T2N, R7E

A request by City of Rapid City to consider an application for a **Rezoning from Low Density Residential District to Public District** for Lot 2 of B; Lot C of the SW1/4 of the SW1/4 and the E1/2 of vacated Minuteman Drive, located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 818 Anamosa Street.

Planning Commission recommended that the Rezoning from Low Density Residential District to Public District be approved.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that items 6 and 7 be considered together

7. 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.

Harrington reviewed the slides addressing the proposed changes to the Major Street Plan. Harrington stated that staff recommends the **Amendment to the Comprehensive Plan to revise the Major Street Plan by removing and realigning proposed collector streets** be approved.

In response to a question from Braun, Harrington confirmed that the discussions with the Hansen Group are being addressed to both parties' interests.

Rose moved, Swank seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan to revise the Major Street Plan by removing and realigning proposed collector streets be approved. (6 to 0 with Braun, Bulman, Marchand, Rippentrop, Rose and Swank voting yes and none voting no)

6. 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 that portion of Hawthorne Avenue lying north of East St. Andrew Street.

Laroco presented the application and reviewed the slides. Laroco stated that this item had been previously continued to allow notification regulations to be met. In addition the applicant used the time to meet with neighboring property owners. Additionally the request that a bike and pedestrian right-of-way be provided has been met and a Developmental Lot Agreement has been submitted to secure access to the properties located at the north end of Hawthorn Avenue until those lots can be consolidated through a Lot Line Consolidation Plat. Laroco presented staff's recommendation that the application be approved with the stipulations as noted and in conjunction with the Comprehensive Plan (14CA001).

Braun moved, Rose seconded and unanimously carried to recommend approval of the Vacation of Right of Way in conjunction with the associated Comprehensive Plan Amendment and with the following stipulation:

1. **Prior to City Council approval, the applicant shall record an access easement on the property to accommodate future development of a pedestrian and bicycle path as a part of the City's adopted Area Pedestrian and Bicycle Master Plan. A copy of the recorded access easement shall be submitted to Community Planning and Development Services. (6 to 0 with Braun, Bulman, Marchand, Rippentrop, Rose and Swank voting yes and none voting no)**

*8. No. 14UR007 - Original Town of Rapid City

A request by Richard and Karen Schumacher to consider an application for a

Conditional Use Permit to allow an existing on-sale liquor establishment with an outdoor seating area for the south 85 feet of Lot 20-21 of Block 84 of 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 624 Saint Joseph Street.

Laroco presented the application and reviewed the slides. Laroco noted that access to the proposed outdoor seating area will be gained solely through the Brass Rail and that no other businesses or alley traffic will have access to the patio. Laroco stated that staff recommends that the application for a **Conditional Use Permit to allow an existing on-sale liquor establishment with an outdoor seating area** be approved with stipulations.

Swank stated that he would be abstaining from this item as he has a conflict of interest.

Rose moved, Bulman seconded and carried to approve the **Conditional Use Permit to allow an existing on-sale liquor establishment with an outdoor seating area** with the following stipulations:

1. A building permit shall be obtained prior to any construction. Final approval shall be obtained prior to occupancy or use of the outdoor seating area;
2. All plans shall be prepared and stamped by a registered professional per SDCL 36-18A;
3. Any alterations to the existing structures, including the proposed outdoor seating area, shall be made handicap accessible;
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. All additional signage will require the review and approval of the Historic Sign Board. All signage must comply with Chapter 17.50.080 of the Rapid City Municipal Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic signage will require a Major Amendment to the Planned Development. A sign permit is required for each sign;
6. All provisions of the adopted International Fire Code shall be continually maintained;
7. All provisions of the Central Business District shall be continually maintained, and;
8. This Conditional Use Permit shall allow for an on-sale liquor establishment with an outdoor seating area. Changes to the property which comply with the requirements of the Rapid City Municipal Code shall be permitted. Changes to the on-sale liquor portion of the establishment shall require a Major Amendment to the Conditional Use Permit. (5 to 0 to 1 with Braun, Bulman, Marchand, Rippentrop and Rose voting yes and none voting no and Swank 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.

9. No. 14CA002 - Amendment to the Comprehensive Plan by adopting "Plan Rapid City" Comprehensive Plan

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan by adopting the "Plan Rapid City" Comprehensive Plan.**

Horton presented the application stating that the initial Comprehensive Plan was adopted in 1949 and was called the "City Plan" she noted that there have been three updates since then, the last one being in the 1980s. There have been numerous modifications to individual elements of the Plan since that time but this is an overall update. Horton stated that the plan is based on the seven core values and it weaves the essential comprehensive plan elements into those seven core values making it a truly encompassing comprehensive plan.

Horton stated that there are several implementation tasks they will be working on, twenty-one that have been identified as immediate action that they will begin work on before the end of year, some near term items, which should be addressed in the next two years and longer term items which are slated for the next two to five years

Some of the key action items that will be worked on immediately is developing a Unified Develop Code, which will consolidate the current Building Code and Subdivision Code; updating the TIF Guidelines which will incorporate some affordable housing requirements that are needed and Priority Driven Budget process.

Horton stated that quarterly progress reports, an annual report that will consolidate minor items amendments identified throughout the year to help keep the plan current, as well as a requirement for a five year update. Horton presented staff's recommendation to approve the **Amendment to the Comprehensive Plan by adopting the "Plan Rapid City" Comprehensive Plan.**

In response to Bulman's question regarding individual amendments to zoning of property by an individual, Horton stated that the plan allows for such minor changes to be addressed as needed or to wait until the annual update and create a major amendment.

Karen Gunderson-Olson, 6241 Choke Cherry Lane, stated that she has been actively involved throughout the approval process of this plan and stated that as part of the art community as well as the pedestrian and biking community, she is in support of Plan and the direction it is taking the city and urged Planning

Commission's approval of the Plan.

Rose moved, Swank seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan by adopting the "Plan Rapid City" Comprehensive Plan be approved with minor language changes as appropriate. (6 to 0 with Braun, Bulman, Marchand, Rippentrop, Rose and Swank voting yes and none voting no)

10. Discussion Items

A. Sign Code Enforcement

Andy Chlebek presented a slide presentation on the side code and the enforcement thereof. Chlebek reviewed the difference between On-Premise signage and Off-Premise signage. Chlebek briefly reviewed the qualifications of each sign type including Electronic Message Centers. He noted that Building Inspections handles the inspections. Chlebek stated that there were 28 complaints in 2013.

In response to a question from Bulman regarding ramifications for repeat violators, Chlebek reviewed the general process for violation notices.

Brad Solon, of the Building Services Department, reviewed the regulation of the brightness of signs and explained how they inspect signs. Solon noted that the accuracy of the measurement is important and suggested that more accurate tools be purchased for future inspections.

Allison Marsland, of the Attorney's Office, stated that the goal of enforcement is to meet compliance and that they work with the individual to achieve this goal. She reviewed the enforcement process and possible fines stating that both the Building Services Department and the Attorney's Office are involved in working with the customer to achieve compliance.

Discussion followed.

11. Staff Items

None

12. Planning Commission Items

None

13. Committee Reports

- A. City Council Report (March 17, 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, Swank seconded and unanimously carried to adjourn the meeting at 7:53 a.m. (6 to 0 with Braun, Bulman, Marchand, Rippentrop, Swan and Swank voting yes and none voting no)