

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 8, 2014

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

MEMBERS ABSENT: Brett Monson, Walt Swan, Jr.

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Ted Johnson, Wade Nyberg 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.

Brewer requested that Item 3 be removed from the Consent Agenda for separate consideration.

Motion by Rose seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 5 in accordance with the staff recommendations with the exception of Item 3. (10 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the April 24, 2014 Planning Commission Meeting Minutes.

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

Summary of Adoption Action for a request by the 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.

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

4. No. 14RZ004 - Section 23, T1N, R7E

A request by Sperlich Consulting, Inc for Schriener Investments, LLC to consider an application for a **Rezoning from General Agricultural District to Low Density Residential District** for the E1/2 of the SW1/4 of the NE1/4 of the NE1/4; the NW1/4 of the SE1/4 of the NE1/4, excepting therefrom Medicine

Ridge Subdivision, located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of existing intersection of Enchanted Pines Drive and Medicine Ridge Road.

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

*5. No. 14UR010 - Melvin Subdivision

A request by Lamar Advertising to consider an application for a **Major Amendment to a Conditional Use Permit to move a billboard** for Lot 1R of Melvin Subdivision, located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3504 Edwards Street.

Planning Commission approved the Major Amendment to a Conditional Use Permit to move a billboard with the following stipulations:

- 1. A sign permit shall be obtained prior to commencement of construction of the sign;**
- 2. Prior to issuance of a sign permit, final construction plans signed and sealed by a registered professional engineer shall be submitted for review and approval. Final construction plans shall include the structural footing of the proposed sign;**
- 3. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Conditional Use Permit. All signage must comply with the requirements of the Rapid City Municipal Code. All lighting must be designed to preclude shining on all adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind;**
- 4. All requirements of the Light Industrial District and the Rapid City Sign Code shall be continually maintained, and;**
- 5. This Major Amendment to the Conditional Use Permit shall allow for the replacement of an existing off-premise sign. The sign shall be constructed as shown on approved plans. Changes to the construction of the sign shall require 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.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

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

Summary of Adoption Action for a request by the City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan by adopting "Plan Rapid City" Comprehensive Plan.**

Brewer expressed his thanks and commended all those who worked on the Comprehensive Plan for all their time and efforts that went into the planning and preparation of the new Plan.

Brewer moved and Swank seconded and unanimously carried to approve the summary and authorize publication in the Rapid City Journal. (10 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)

*6. No. 14UR009 - Marshal Heights Tract

A request by Brian Bach for China Wok to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant** for Lot B of Lot 6 of K-3 of Marshall Heights Tract, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1575 N. Lacrosse Street.

Lacock presented the application and reviewed the slides. Lacock pointed out that this request has been before the Planning Commission previously, but at that time had issues with sprinkling of the building, landscaping and parking for the facility. Lacock noted that the building has since been sprinkled and the parking and landscaping issues have been addressed. Lacock stated that with these changes, staff recommends that the application for a **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant** be approved with stipulations.

Rolinger moved, Marchand seconded and unanimously carried to approve the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant with the following stipulations:

1. **A minimum of 87 parking spaces shall continually be provided. Four 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;**
2. **A minimum of 71,597 landscaping points shall 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;**
3. **All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment;**
4. **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;
5. All signage shall conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment. 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. 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;
 6. All applicable provisions of the adopted International Fire Code shall continually be met; and,
 7. The Conditional Use Permit shall allow for an on-sale liquor establishment operated in conjunction with a full-service restaurant. Any expansion to the on-sale liquor establishment shall require a Major Amendment. Any change in use that is a permitted use in the General Commercial District and is in compliance with the Parking Ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment. (10 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rippentrop, 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. No. 14PD009 - Silver Strike Subdivision
A request by John M. Rowe, Buell Consulting, Inc for Cellular Inc. Network Corporation, dba Verizon Wireless to consider an application for a **Final Planned Development Overlay to allow a communication tower with an equipment shelter in the General Agriculture District** for Lot A of Lot 3 of Silver Strike Subdivision located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2520 Distribution Lane.

Lacock presented the application and reviewed the slides. Lacock stated that a cellular communication tower is a conditional use in a General Agricultural District, but due to requested Exceptions the tower is being reviewed as a Final Planned Development. Lacock explained that the existing structures and drain field located on the property require that the tower be placed to the front of the property. A 45 foot setback from Distribution Lane is being provided to allow for additional future right-of-way and improvements to Distribution Lane should they be needed. Lacock stated staff recommends that the Exception to reduce the circulation aisle width from 26 feet to 24 feet and the Exception to reduce the side yard setback from 35 feet to 8 feet be granted. Lacock noted that with the approval of the Exceptions, staff recommends that the application for a **Final**

Planned Development Overlay to allow a communication tower with an equipment shelter in the General Agriculture District be approved with stipulations.

Rose moved, Scull seconded and unanimously carried to approve the Final Planned Development Overlay to allow a communication tower with an equipment shelter in the General Agriculture District with the following stipulations:

- 1. An Exception is hereby granted to reduce the minimum required circulation aisle width from 26 feet to 24 feet;**
- 2. An Exception is hereby granted to reduce the minimum required side yard setback from 35 feet to eight feet;**
- 3. A minimum 45 foot front yard setback shall be maintained from the current property line. A reduction in the front yard setback shall require a Major Amendment;**
- 4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 5. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;**
- 6. A minimum of two parking spaces shall continually be provided. One of the parking spaces shall be handicap "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 7. All provisions of the General Agriculture District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development or a subsequent Major Amendment;**
- 8. 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;**
- 9. All signage shall conform to the Sign Code. No electronic signs are being approved as a part of this Final Planned Development. 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. 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. All applicable provisions of the adopted International Fire Code shall continually be met; and,**
- 11. The Conditional Use Permit shall allow a 100 foot high monopole cellular communications tower with an associated equipment shed. Changes to the proposed tower or equipment shelter that do not meet the criteria of Chapter 17.50.050(G) of the Rapid City Municipal Code shall require a Major Amendment. Permitted uses within the General Agriculture District in compliance with the Parking Ordinance shall be allowed with a building permit. Any conditional use shall require the review and approval of a Major Amendment to the Conditional Use**

Permit. (10 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)

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*8. No. 14UR011 - Rapid City Greenway Tract

A request by Rapid City Police Department - Karl Jegeris to consider an application for a **Conditional Use Permit to allow a memorial statue to be located in the Flood Hazard District** for Tract 17 less Lot H1 (also in Section 24, T2N, R7E) Rapid City Greenway Tract, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1520 W. Omaha Street.

Lacock presented the application and reviewed the slides, stating that staff has been honored to assist in bringing this application for the memorial to the Planning Commission.

Karl Jegeris, Assistant Chief of Police, spoke to the impact of the events leading up to this event and the importance to memorialize the fallen officers. Jegeris introduced and thanked those who worked to bring the project to reality, including the Armstrong and McCandless families, Officer Jim Hansen, past president of the Fraternal Order of Police, Officer Wayne Keefe, past treasurer of Fraternal Order of Police, and the artists James Van Nuys and Beth Palmer.

Jegeris stated that they had worked with the Parks and Recreation Advisory Committee to receive support for the placement of the structure as well as with Planning and Public Works staff to meet all the requirements and identify the best location for the memorial.

In response to a question from Bulman on what was done to mitigate the placement of an additional structure in the park as it is associated to the floodway, Fisher stated that the design and placement of the statue had been designed to meet the provisions set within the Federally Designated 100 Year Flood Plain and that a Floodway Development Permit is required for the placement of structures. The receipt of a Floodway Development Permit prior to issuance of a Building Permit is one of the stipulations to this application. Fisher also clarified that none of the structure is located within the floodway.

Discussion followed regarding the potential for additional memorials that could encroach in the floodplain.

Rolinger moved, Rose seconded and unanimously carried to approve the Conditional Use Permit to allow a memorial statue to be located in the Flood Hazard District with the following stipulations:

1. A Building Permit shall be obtained prior to start of construction;
2. Prior to issuance of a Building Permit, a Floodplain Development Permit shall be obtained;
3. All provisions of the Flood Hazard District shall be met;
4. 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;
5. The Conditional Use Permit shall allow for the construction of a memorial statue. Any change in use that is a Conditional Use in the Flood Hazard District shall require the review and approval of a Major Amendment. (10 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)

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9. Discussion Items
None
10. Staff Items
None
11. Planning Commission Items
None
12. Committee Reports
 - A. City Council Report (April 21, 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, Rose moved, Scull seconded and unanimously carried to adjourn the meeting at 7:26 a.m. (10 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)