

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 22, 2014

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

MEMBERS ABSENT: Dennis Popp, Erik Braun

STAFF PRESENT: Vicki Fisher, Robert Laroco, Kip Harrington, Tim Behlings, Ted Johnson, Carla Cushman and Andrea Wolff.

Brewer called the meeting to order at 7:00 a.m.

Brewer reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.

Staff requested that Items 5 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 5. (9 to 0 with Brewer, Bulman, Marchand, Monson, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved of the May 8, 2014 Planning Commission Meeting Minutes.
- *2. No. 14PD010 - Mac Arthur Subdivision
A request by Advanced Engineering for He Sapa New Life Church to consider an application for a **Major Amendment to a Planned Residential Development to allow the construction of an additional church building on the site** for Lots A, C, E, F, G and Lots 6 thru 13 of Block 2 of Mac Arthur Subdivision, less H Lots, located in Section 25, T2N, R7E, more generally described as being located at 415 Mac Arthur Street.

Planning Commission approve the Major Amendment to a Planned Residential Development to allow the construction of an additional church building on the site with the following stipulations:

1. **A Building Permit shall be obtained prior to any structural construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
2. **Prior to issuance of a Building Permit, a Floodplain Development Permit shall be obtained;**
3. **Prior to issuance of a Building Permit, the porous landscape detention**

basin shall be revised to meet the criteria pursuant to the Rapid City Water Quality Manual;

4. Prior to issuance of a Building Permit, a Traffic Impact Study shall be submitted for review and approval or an Exception shall be obtained;
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. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
7. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
8. A minimum of 110,208 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;
9. A minimum of 76 parking spaces shall be provided. Three of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;
10. 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;
11. 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;
12. All applicable provisions of the adopted International Fire Code shall continually be met;
13. All provisions of the underlying Zoning Districts shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Development or a subsequent Major Amendment; and,
14. The Major Amendment to a Planned Development Overlay shall allow for the construction of a church building in addition to the existing church building, a residence and office for the assistant pastor, a garage and a storage building. Any change in use that is a permitted use in the underlying zoning district and in compliance with the Parking Ordinance shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the underlying zoning district shall require the review and approval of a Major Amendment.

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.

3. No. 14VR002 - Rapid River Subdivision

A request by Renner and Associates, LLC for VSADD Holdings LLC to consider an application for a **Vacation of Right-of-Way** for the north 30 feet adjacent to Lot 5 of Block 2 of Rapid River Subdivision, located in Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2020 Jackson Boulevard.

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

4. No. 14VR003 – Scotts Addition

A request by Ferber Engineering Company, Inc for 3L LLC - Courtney Lien to consider an application for a **Vacation of Right of Way** for that portion of Gold Street and Nowlin Street adjacent to Lots 1 thru 7 of Block 14 and Lots 1 thru 4 of Block 17 and that portion of Gold Street adjacent to Lots 10 thru 12 and part of Lots 9 and 13 of Block 13 and Lots 10 thru 13 and part of Lots 9 and 14 of Block 18, all located in Scotts Addition in the NE1/4 of the NE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Anamosa Street, north of Custer Street, west of West Boulevard North and east of Silver Street.

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

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*5. No. 14PD011 - Kepp Heights Subdivision No. 3

A request by Fisk Land Surveying and Consulting Engineers, Inc for Patrick R Hall to consider an application for a **Major Amendment to the Planned Residential Development to change the use of Lot 13 from storage to residential** for Lot 13 of Kepp Heights Subdivision No. 3 , located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1647 Grand Vista Court North.

Laroco presented the application and reviewed the slides noting that the Rapid City Fire Department had concerns with access and fire flows in the area and that after working with the applicant, a revised stipulation has been provided requiring fire sprinkling of the property to offset the access and fire flow limitations and that a Wild Fire Fuels Mitigating Plan be created for the property. Laroco presented staff's recommends that the **Major Amendment to the Planned Residential Development to change the use of Lot 13 from storage**

to residential be approved with stipulations.

Pat Hall, 528 Kansas City Street, stated that he is available for questions.

Rolinger moved, Marchand seconded and unanimously carried to approve the Major Amendment to the Planned Residential Development to change the use of Lot 13 from storage to residential with the following stipulations:

- 1. Prior to issuance of a building permit, all requirements of the Rapid City Fire Department shall be met. In particular, a site plan shall be submitted which shows that a fire apparatus turnaround is being provided. All requirements of the International Fire Code shall be continually maintained;**
- 2. A building permit shall be obtained prior to commencement of construction. A Certificate of Occupancy shall be issued prior to occupancy;**
- 3. Properties serviced by the private asphalt drive shall be addressed in compliance with the requirements of Pennington County Emergency Services and the Rapid City Municipal Code;**
- 4. All requirements of the Low Density Residential District shall be continually maintained unless otherwise stipulated as a part of a subsequent Major Amendment to the Planned Development, and;**
- 5. This Major Amendment to the Planned Development shall allow residential uses pursuant to the Low Density Residential District on Lot 13 of Kepp Heights Subdivision No. 3. All uses permitted in the Low Density Residential District shall be permitted contingent upon an approved building permit. All conditional uses shall require the review and approval of a Major Amendment to the Planned Development. (9 to 0 with Brewer, Bulman, Marchand, Monson, 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.

***6. No. 14UR012 - Original Town of Rapid City**

A request by Kennedy Design Group Inc, Kent Kennedy for Mystique LLC, Lori Eggersgluess to consider an application for a **Conditional Use Permit to allow on-sale alcohol establishment in conjunction with a salon** for Parcel 1, a portion of Lots 17 thru 24, Parcel 2 of Lots 17 thru 24 and the S1/2 of vacated alley north of and adjacent, Parcel 3 and the S1/2 vacated alley north and adjacent less the south 67 feet and the south 50 feet of Lots 25 thru 27 and the 17 feet of the railroad right-of-way, Block 63 of the Original Town of Rapid City, all located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 318 Mount Rushmore Road, Suite E.

Fisher presented the application and reviewed the associated slides noting that the on-sale liquor use is in conjunction with the salon. Fisher stated that the property meets parking requirements and that the on-sale liquor use being in conjunction with the salon does not create an undue concentration in the area and that staff recommends that the **Conditional Use Permit to allow on-sale alcohol establishment in conjunction with a salon** be approved with stipulations.

In response to a question from Brewer regarding the previous On-Sale Conditional Use Permit for Mystique Edge, Fisher confirmed that the previous On-Sale Conditional Use Permit went with the business, not the property, and therefore any future request for an On-Sale Conditional Use for that property would have to be reviewed on an individual basis.

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

- 1. A minimum of 66 parking spaces shall continually be provided. Three of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 2. All provisions of the General Commercial District shall be met;**
- 3. 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;**
- 4. 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. In addition, signs located in the Rapid City Fruit Company and Milwaukee Road Freight House historic district shall require the review of the Historic Sign Review Committee;**
- 5. All applicable provisions of the adopted International Fire Code shall continually be met; and,**
- 6. The Conditional Use Permit shall allow for an on-sale liquor establishment operated in conjunction with a salon with 11 work stations. 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. (9 to 0 with Brewer, Bulman, Marchand, Monson, 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. Discussion Items

Brewer referenced a recent article in the Rapid City Journal regarding pedestrian safety in Rapid City and expressed his concerns regarding this issue. It was noted that this is an issue that is being currently being reviewed. Discussion followed.

8. Staff Items

- A. Direct staff to submit a Comprehensive Plan Amendment to amend the Major Street Plan by changing the classification of Park Drive from a Minor Arterial Street to a Collector Street.

Harrington stated that staff has received requests to reclassify Park Drive streets in the past noting that an application for this request is currently on hold and staff would like to direction from Planning Commission to set aside that application and submit this request as a City sponsored application.

Harrington noted that the original Major Street Plan showed Park Drive as collector street, but it was later reclassified as a minor arterial street; however, given the development of the area and surrounding roads it actually functions as a collector street. Additionally the required 100 feet right-of-way for an arterial street creates an issue for the existing development and restrictive use on future development along Park Drive. Based on these reasons staff is in support of the request and requests that Planning Commission direct staff to submit a Comprehensive Plan Amendment to amend the Major Street Plan by changing the classification of Park Drive from a Minor Arterial Street to a Collector Street.

Swank moved, Marchand seconded and carried unanimously to direct staff to submit the Amendment to the Comprehensive Plan to revise the Major Street Plan as a City sponsored application. (9 to 0 with Brewer, Bulman, Marchand, Monson, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)

9. Planning Commission Items

10. Committee Reports

- A. City Council Report (May 5, 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, Scull moved, Marchand seconded and unanimously carried to adjourn the meeting at 7:24 a.m. (9 to 0 with Brewer, Bulman, Marchand, Monson, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)