

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 24, 2014

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

MEMBERS ABSENT: John Brewer, Brett Monson, Kay Rippentrop and Tim R. Rose.

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Tim Behlings, Dale Tech, Ted Johnson, Carla Cushman 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 Item 5 be removed from the Consent Agenda for separate consideration.

Motion by Rolinger seconded by Scull and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 6 in accordance with the staff recommendations with the exception of Item 5. (8 to 0 with Braun, Bulman, Marchand, Pinkard, Popp, Rolinger, Scull and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the July 10, 2014 Planning Commission Meeting Minutes.

2. No. 14CA003 - Sections 9 and 16

Summary of Adoption Action on a request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to Amend the Major Street Plan by reclassifying Park Drive from a Minor Arterial Street to a Collector Street** for Park Drive between Jackson Boulevard and Corral Drive, located in Sections 9 and 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between Jackson Boulevard and Corral Drive.

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

3. No. 14RZ007 - Tower Ridge 2

A request by Tony Marshall to consider an application for a **Rezoning from General Commercial District to Office Commercial District** for Lots 3 through 9 of Block 1 of Tower Ridge 2, located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being

located at the terminus of Table Rock Road.

Planning Commission recommended that the Rezoning from General Commercial District to Office Commercial District be approved.

*4. No. 14PD015 - Original Town of Rapid City

A request by James and Jennifer Dettman to consider an application for a **Major Amendment to a Planned Development Overlay to allow a restaurant** for Lot 1 thru 5 of Block 88 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 201 Main Street, Suite 62.

Planning Commission approved the Major Amendment to a Planned Development Overlay to allow a restaurant with the following stipulations:

- 1. An Exception is hereby approved to reduce the required amount of off-street parking from 164 spaces to 0 spaces;**
- 2. A building permit shall be obtained prior to any future construction on the property. A Certificate of Completion shall be obtained prior to commencement of the use;**
- 3. Prior to issuance of a building permit, an 11.1 Historic Review shall be obtained;**
- 4. If installation of a commercial hood is required, the hood shall be installed and operational prior to commencement of the restaurant use;**
- 5. Any proposed exterior 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. 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 each sign.**
- 6. All applicable provisions of the International Fire Code shall be continually maintained;**
- 7. The proposed restaurant shall operate in compliance with the submitted operations plan and the requirements of Chapter 17.18 of the Rapid City Municipal Code. All provisions of the General Commercial District shall be continually maintained unless specifically stipulated as a part of this Major Amendment or a subsequent Major Amendment to the Planned Development, and;**
- 8. This Major Amendment to the Planned Development shall allow for a restaurant to be located within suite G1 on the property. The previously approved uses within the Creamery building, including a church, an on-sale liquor establishment, and a caretaker's unit may continue as approved. Changes in the operations plan of the restaurant which result in an increase in the required amount of parking shall require a Major Amendment to the Planned Development. 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.

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.

14TP023 – Rapid City Area Origin-Destination Study Draft Report

Staff recommends approval of the Rapid City Original Destination Study Draft Report.

---BEGINNING OF REGULAR AGENDA ITEMS---

*5. No. 14PD016 - RU Lots

A request by Stephany Valkenburg for Rick Askvig - Willow Park Committee to consider an application for a **Final Planned Development Overlay to allow a park** for Lot RU-34 of RU Lots, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of Monroe Street and Blaine Avenue.

Laroco presented the application and reviewed the slides. Laroco noted that NeighborWorks has been working with the Rapid City Parks and Recreation Department to create this park. Laroco noted that this park will be developed in phases; the first phase will address the playground installation functioning as a pedestrian park and the second phase will address a potential basketball court and sidewalks and parking needs. The applicant has requested an Exception to allow parking to back into the right-of-way; an Exception to allow front yard setbacks to be 20 feet instead of the required 25 feet; and, an Exception to increase the maximum allowable sign size from one square foot to 32 square feet. Laroco presented staff's recommendation that the Exceptions be granted and that the application for a **Final Planned Development Overlay to allow a park** be approved with stipulations.

Discussion regarding the safety of and potential liability associated with the proposed sculpture to be placed in the park.

Alex DeSmidt, Landscape Designer for the Rapid City Department of Parks and Recreation, stated that the Parks and Recreation Advisory Board had reviewed the sculpture and approved its placement stating that the sculpture is expected to be located off the actual play area.

Popp motioned to approve to approve the application without the placement of the sculpture. Motion failed for lack of a second.

In response to Popp's question regarding liability, Alex stated that the liability

would fall to the City.

Scull stated that he had been slightly involved with this project, but not to the point that he feels he should abstain from voting on the item. He believes that the liability risk is low and should not be a deterrent to the overall project.

Rolinger made a revised motion to approve as requested, seconded by Bulman 6 to 2 with Popp and Swank voting no.

Rolinger moved, Bulman seconded to approve the Final Planned Development Overlay to allow a park with the following stipulations:

- 1. An Exception is hereby granted to allow parking to back into the right-of-way. A minimum of three parking spaces shall be provided as a part of a future phase of development of the park. A minimum of one of the parking spaces shall be a van accessible handicap parking space. All parking shall be paved and striped pursuant to the requirements of the Rapid City Parking Ordinance;**
- 2. An Exception is hereby granted to reduce the minimum front yard setback from 35 feet to 20 feet;**
- 3. An Exception is hereby granted to increase the maximum permitted sign size from 1 square foot to 32 square feet. Changes to the signage which comply with the Rapid City Sign Code shall be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;**
- 4. Sidewalks shall be provided on all property lines adjacent to the public right-of-way pursuant to the requirements of the Rapid City Municipal Code or a Variance waiving the requirement for sidewalk shall be obtained from the City Council;**
- 5. A building permit shall be obtained prior to construction. A Certificate of Completion shall be obtained prior to use of the park;**
- 6. Prior to issuance of a building permit, revised plans shall be submitted showing the location and dimension of all proposed amenities and park improvements, including the location of all proposed playground equipment, the proposed sculpture, and the location of all future improvements on the property;**
- 7. All requirements of the International Fire Code shall be continually maintained;**
- 8. All requirements of the Medium Density Residential District shall be continually maintained unless specifically approved as a part of this Final Planned Development or a subsequent Major Amendment to the Planned Development, and;**
- 9. This Final Planned Development shall allow for the development of a park on the property. Uses permitted in the Medium Density Residential District shall be permitted with the approval of a building permit and contingent upon provision of sufficient parking.**

Conditional uses in the Medium Density Residential District shall require a Major Amendment to the Planned Development. (6 to 2 with Braun, Bulman, Marchand, Pinkard, Rolinger and Scull voting yes and Popp and Swank 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. 14PD017 - Copperfield Vista Subdivision

A request by Renner and Associates, LLC for ETC Ventures LLC to consider an application for a **Final Planned Development Overlay to allow a residential development** for Proposed Lots 4 thru 20 of Block 4, Lots 3 thru 22 of Block 5, Lots 7 thru 17 of Block and Lot 1 of Block 8 of Copperfield Vistas Subdivision, legally described as A portion of the SE1/4 of the NW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the northwesterly corner of Block 6 of Copperfield Vistas Subdivision, common to a point along the southerly edge of Homestead Street Right-of-Way, and the point of beginning; Thence, first course: S 00°07'12" E, along the westerly boundary of said Block 6, a distance of 78.23 feet; Thence, second course: S 00°28'15" W, along the westerly boundary of said Block 6, a distance of 73.14 feet; Thence, third course: S 00°07'52" W, along the westerly boundary of said Block 6, a distance of 73.01 feet; Thence, fourth course: S 00°03'54" W, along the westerly boundary of said Block 6, a distance of 73.09 feet; Thence, fifth course: S 00°14'29" W, along the westerly boundary of said Block 6, a distance of 158.13 feet, to the southwest corner of said Block 6, common to a point on the northerly edge of Eunice Drive Right-of-Way; Thence, sixth course: N 89°48'51" W, along the northerly edge of said Eunice Drive Right-of-Way, a distance of 2.17 feet, to the northwesterly corner of said Eunice Drive Right-of-Way; Thence, seventh course: S 00°11'09" W, along the westerly edge of said Eunice Drive Right-of-Way, a distance of 52.00 feet, to the southwest corner of said Eunice Drive Right-of-Way; Thence, eighth course: S 89°48'51" E, along the southerly edge of said Eunice Drive Right-of-Way, a distance of 13.17 feet, to the northwesterly corner of Block 5 of Copperfield Vistas Subdivision, common to a point on the southerly edge of said Eunice Drive Right-of-Way; Thence, ninth course: S 00°14'06" W, along the westerly boundary of said Block 5, a distance of 100.14 feet; Thence, tenth course: S 89°48'51" W, along the westerly boundary of said Block 5, a distance of 7.00 feet; Thence, eleventh course: S 00°11'09" W, along the westerly boundary of said Block 5, a distance of 100.18 feet, to the southwest corner of said Block 5, common to a point along the northerly edge of Bar Five Ranch Road Right-of-Way; Thence, twelfth course: N 89°48'51" W, along the northerly edge of said Bar Five Ranch Road Right-of-Way, a distance of 18.65 feet, to the northwesterly corner of said Bar Five Ranch Road Right-of-Way; Thence, thirteenth course: S 00°11'09" W, along the westerly edge of said Bar Five Ranch Road Right-of-Way, a distance of 52.00 feet, to the southwest corner of said Bar Five Ranch Road Right-of-Way; Thence, fourteenth course: S

85°46'17" E, along the southerly edge of said Bar Five Ranch Road Right-of-Way, a distance of 0.65 feet, to the northwesterly corner of Block 4 of Copperfield Vistas Subdivision, common to a point along the southerly edge of said Bar Five Ranch Road Right-of-Way; Thence, fifteenth course: S 00°07'33" W, along the westerly boundary of said Block 4, a distance of 83.80 feet; Thence, sixteenth course: S 00°49'41" W, along the westerly boundary of said Block 4, a distance of 33.99 feet; Thence, seventeenth course: S 89°51'01"W, a distance of 57.51 feet; Thence, eighteenth course: N 76°03'42" W, a distance of 414.15 feet; Thence, nineteenth course: N 83°46'02" W, a distance of 266.31 feet; Thence, twentieth course: N 00°13'55" E, a distance of 794.22 feet; Thence, twenty-first course: S 89°46'05" E, a distance of 254.44 feet; Thence, twenty-second course: N 68°17'27"E, a distance of 410.42 feet; Thence, twenty-third course: S 89°45'08" E, a distance of 241.17 feet; Thence, twenty-fourth course: S 00°14'52" E, a distance of 84.29 feet, to the northeasterly corner of Copperfield Drive Right-of-Way; Thence, twenty-fifth course: N 89°45'08" W, along the northerly edge of said Copperfield Drive Right-of-Way, a distance of 52.00 feet; Thence, twenty-sixth course: S 00°14'52" W, a distance of 15.20 feet, to a corner on said Homestead Street Right-of-Way; Thence, twenty-seventh course: S 44°36'41" W, a distance of 14.30 feet, to a corner on said Homestead Street Right-of-Way; Thence, twenty-eighth course: curving to the left, along the northerly edge of said Homestead Street Right-of-Way, on a curve with a radius of 638.00 feet, a delta angle of 10°54'37", a length of 121.49 feet, a chord bearing of S 83°04'17" W, and chord distance of 121.30 feet, to the northwesterly corner of said Homestead Street Right-of-Way; Thence, twenty-ninth course: S 12°23'11" E, along the westerly edge of said Homestead Street Right-of-Way, a distance of 76.00 feet, to the southwesterly corner of said Homestead Street Right-of-Way; Thence, thirtieth course: curving to the right, along the southerly edge of said Homestead Street Right-of-Way, on a curve with a radius of 562.00 feet, a delta angle of 1°25'49", a length of 14.03 feet, a chord bearing of S 78°19'54" W, and chord distance of 14.03 feet, to the point of beginning, more generally described as being located at the current western terminus of Homestead Street.

Lacock presented the application and reviewed the slides. Lacock noted that the applicant has requested two Exceptions to the setbacks and that staff recommends approval of the Exceptions. Lacock noted that this is a phased project and this application is specifically for Phase I. Lacock presented staff's recommendation that the **Final Planned Development Overlay to allow a residential development** be approved with stipulations.

In response to Bulman's question regarding staff's support of the Exceptions to the setbacks, Fisher reviewed the guidelines staff used to reach this decision.

Rolinger moved to approve, Braun seconded.

In response to a question from Scull, it was confirmed that Homestead Street does have the required right-of-way for a Collector Street. Discussion followed regarding the potential for Homestead Street to become a high traffic road and the need for setbacks and right-of-way to be maintained.

Chair accepted a substitute motion from Bulman to approve the application, but to deny the Exception to allow the 20 foot setbacks abutting Homestead Street.

In response to a Bulman's question why the Exceptions were being requested, Travis Tucker, principal in the project, stated that the main reason for the request for Exceptions to the minimal setback is to allow more development for less expense. Tucker confirmed that the lot sizes would not change, only the location of the houses.

Bulman modified her motion to approve the application, to deny the Exception to reduce the setbacks along the north side of Homestead Street and to approve the Exception to reduce the setbacks on the south side of Homestead Street from 25 feet to 20 feet, Rolinger seconded.

Discussion followed regarding setbacks and right-of-way requirements.

Bulman moved, Rolinger seconded and unanimously carried to approve the Final Planned Development Overlay to allow a residential development with the following stipulations:

- 1. An Exception is hereby granted to reduce the minimum required front yard setback for properties along the south side of Homestead Street from 25 feet to 20 feet;**
- 2. An Exception is hereby granted to reduce the minimum required side yard setback that abuts a street for Lots 10 and 15 of Block 4 where they abut Bar Five Ranch Road and Lots 8 and 12 of Block 6 where they abut Eunice Drive from 20 feet to 18 feet. Access shall not be taken from these street frontages;**
- 3. A Building Permit shall be obtained prior to any structural construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 4. Prior to issuance of a Building Permit, Development Engineering Plans shall be approved;**
- 5. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved;**
- 6. Upon submittal of a Building Permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;**
- 7. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;**
- 8. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;**
- 9. All applicable provisions of the adopted International Fire Code shall continually be met;**
- 10. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development or a subsequent Major Amendment; and,**

11. **The Final Planned Development Overlay shall allow for the construction of a single-family development. 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. (8 to 0 with Braun, Bulman, Marchand, Pinkard, Popp, Rolinger, Scull and Swank voting yes and none voting no)**

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7. Discussion Items

- A. Ordinance No. 5997 to Amend Rapid City Municipal Code Section 2.60.030 to Change the Month in Which Planning Commission Members are Appointed

Cushman reviewed the Ordinance Amendment stating that the purpose of the ordinance is to change the time of year that appointments to the Planning Commission are made from the July to October. She stated that the current appointment period is during a very busy time and moving it would allow more attention to the appointments and avoid accidental oversight.

Cushman stated that this would take effect in 2015 and that current terms would be extended to the new date. Cushman noting that First Reading of the ordinance had been approved at the Council at the July 21, 2014 City Council Meeting with Second Reading slated for approval at the August 4, 2014 City Council Meeting.

8. Staff Items

9. Planning Commission Items

10. Committee Reports

- A. City Council Report (July 7, 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, Rolinger moved, Scull seconded and unanimously carried to adjourn the meeting at 7:46 a.m. (8 to 0 with Braun, Bulman, Marchand, Pinkard, Popp, Rolinger, Scull and Swank voting yes and none voting no)

