

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 4, 2014

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

MEMBERS ABSENT: Brett Monson, Karen Bulman, Kay Rippentrop, Tim R. Rose and Andrew Scull

STAFF PRESENT: Vicki Fisher, Robert Laroco, Tim Behlings, 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.

Motion by Swank seconded by Pinkard and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 3 in accordance with the staff recommendations. (7 to 0 with Braun, Brewer, Marchand, Pinkard, Popp, Rolinger and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the August 21, 2014 Planning Commission Meeting Minutes.
- *2. No. 14UR018 - D. B. Western Subdivision
A request by Davis Engineering, Inc for Kugler Oil Company to consider an application for a **Major Amendment to a Conditional Use Permit to allow construction of a new building and storage tank for the existing fertilizer plant** for Lot 1 of D.B. Western Subdivision, located in the NW1/2 of the SW1/4 of Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1650 Culvert Street.

Planning Commission approved the Major Amendment to a Conditional Use Permit to allow construction of a new building and storage tank for the existing fertilizer plant with the following stipulations:

1. **A building permit shall be obtained prior to construction. A certificate of completion shall be obtained prior to use of the structures;**
2. **Prior to issuance of a building permit revised plans signed and sealed by a registered professional pursuant to SDCL36-18A shall be submitted showing all existing and proposed development on the property. Plans shall identify the size and location of all water service lines, sewer services, an erosion and sediment control plan, storm water quality treatment plan, and drainage plan;**
3. **If work is being proposed within the railroad right-of-way, plans shall**

- be revised to identify the work. In addition, if work within the railroad right-of-way is being proposed, permission/permits shall be obtained as necessary. A copy of any required permits shall be submitted as a part of the building permit application;
4. Prior to issuance of a building permit, an industrial pre-treatment program shall be submitted for review and approval if required. In addition, the plans shall be revised to show the required pre-treatment system;
 5. Prior to issuance of a building permit, a drainage report and storm water quality treatment report shall be submitted to Public Works for review and approval;
 6. Prior to issuance of a building permit, plans shall be revised to show that an approved fire sprinkler protection system is being provided for the proposed structure. All requirements of the International Fire Code shall be continually maintained;
 7. A minimum of eight parking spaces shall be provided. All parking shall comply with the requirements of the Rapid City Parking Ordinance;
 8. A minimum of 87,439 points of landscaping shall be provided. All landscaping shall comply with the requirements of the Rapid City Landscaping Ordinance;
 9. All signage shall comply with the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign;
 10. All requirements of the Heavy Industrial District shall be continually maintained, and;
 11. This Major Amendment to the Conditional Use Permit shall allow for the construction of a loading/unloading structure and a storage tank as accessories to the existing fertilizer plant on the property. Uses permitted in the Heavy Industrial District shall be permitted contingent upon an approved building permit and provision of sufficient parking. Conditional uses in the Heavy Industrial District 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.

*3. No. 14PD026 - Tower Ridge 2

A request by Sperlich Consulting, Inc. for Tony Marshall to consider an application for a **Final Planned Development Overlay to allow a residential development** 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 approved the Final Planned Development Overlay to allow a residential development 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, structures with a floor elevation below 3,808 feet shall require a mechanical pumping system to discharge to the municipal sewer main. In addition, pressure sewer systems shall be provided as per the Rapid City Infrastructure Design Criteria Manual. The design of the sewer systems shall be submitted with the Building Permit;
3. Prior to issuance of a Building Permit, Development Engineering Plans shall be approved;
4. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved;
5. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
6. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
7. All applicable provisions of the adopted International Fire Code shall continually be met;
8. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development or a subsequent Major Amendment; and,
9. The Final Planned Development Overlay shall allow for a residential development. Any change in use 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.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- *4. No. 14PD023 - Professional Plaza Subdivision
A request by Keith Carlyle for Conrads Big C Signs to consider an application for a **Major Amendment to a Planned Development to allow an electronic reader board sign and to revise the landscape plan** for Lot 1 of Professional Plaza Subdivision, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 550 N. 5th Street.

Fisher presented the application and reviewed the associated slides noting that the reader board meets the Sign Code but per Planning Commission's request that all reader boards be reviewed, this item was placed on the non-consent agenda. Fisher also noted that the landscaping exceeds the landscaping requirements and if Planning Commission finds the reader board to be

appropriate for this location, staff recommends that the application for a **Major Amendment to a Planned Development to allow an electronic reader board sign and to revise the landscape plan** be approved with stipulations.

In response to a question from Scott, Fisher confirmed that the reader board not only has an auto dimmer which will allow the sign to dim during evening hours, it could be set to light sensitivity to accommodate the shorter daylight hours associated with the change of seasons from summer to winter.

Brewer moved, Swank seconded and unanimously carried to determine that the electronic reader board sign is appropriate for this location, and approved the Major Amendment to a Planned Development with the following stipulations:

- 1. The landscape plan shall be maintained as submitted with this application. A minimum of 32,155 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;**
- 2. The Exception is hereby acknowledged to eliminate the minimum required landscaped parking islands;**
- 3. The Exception is hereby acknowledged to reduce the minimum required parking from 60 parking spaces to 59 parking spaces. A minimum of 59 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;**
- 4. All signage shall comply with the requirements of the Sign Code. Additional electronic reader boards or a larger size shall require a Major Amendment to the Planned Development. A sign permit is required for all new signage;**
- 5. No off-premise advertising shall be allowed;**
- 6. 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;**
- 7. All applicable provisions of the adopted International Fire Code shall continually be met;**
- 8. All requirements of the Office Commercial District shall continually be maintained unless specifically stipulated in this Major Amendment to the Planned Development or a subsequent Major Amendment, and;**
- 9. This Major Amendment to the Planned Development shall allow for an electronic reader board sign measuring approximately 3 feet 6 inches high by 5 feet 8 inches wide and is approximately 20 square feet in size. In addition, any change in use that is a permitted use in the Office Commercial 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 Office Commercial**

**District shall require the review and approval of a Major Amendment.
(7 to 0 with Braun, Brewer, Marchand, Pinkard, Popp, Rolinger 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.

*5. No. 14PD024 - East Mall Business Center Subdivision

A request by Renner and Associates, LLC for Robert W. Akers Sr. to consider an application for a **Major Amendment to the Planned Development to allow a Statue of Liberty structure** for Lot 2R3 of Block 1 of East Mall Drive Business Center Subdivision, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 620 East Mall Drive.

Laroco presented the application and reviewed the previous applications associated to this application, including the Final Planned Development and the Minor Amendment to a Planned Development to revise parking. Laroco stated that during review of the Minor Amendment it was noted that the statue would require a Major Amendment to the Planned Development. Laroco reviewed the associated slides noting that the statue will be ground-illuminated but that the torch itself would not be lit or illuminated. Laroco stated that no additional Exceptions are being requested as a part of this application. Laroco further stated that staff recognizes that the size and scope of the statue is very large and will impact the area, but that if Planning Commission finds it to be within the character of the property staff recommends that the application for a **Major Amendment to the Planned Development to allow a Statue of Liberty structure** be approved with stipulations.

In response to a question from Scott regarding the actual height of the statue, Laroco clarified that based on the drawings submitted by the applicant as a part of this application; it appears that the statue will be 45 feet tall, which is the maximum allowed height in a General Commercial District.

David Papen, Capital Management, confirmed that the statue would be approximately 13 feet taller than the highest part of the Boston's restaurant that is located on the property, but that it will not be taller than the hotel that will be located on the property. Fisher stated that there are no similar structures currently located in Rapid City outside of the City Park system. Scott asked if a delay to further review the request would have a detrimental effect to the construction of the property.

Discussion followed.

Brewer moved, Swank seconded and carried to determine that the proposed sculpture is in character with the development of the property

and appropriate for the neighborhood, and approved the Major Amendment to the Planned Development to allow a Statue of Liberty structure with the following stipulations:

1. A building permit shall be obtained prior to construction;
2. Prior to issuance of a building permit, final construction plans signed and sealed by a registered professional pursuant to SDCL 36-18A shall be submitted. In addition, a letter signed by the engineer of record for this sculpture shall be submitted to Building Services confirming that the installation of the sculpture meets the design standards;
3. No additional signage or banners other than the dedication of the sculpture shall be permitted;
4. Any changes to the design or location of the sculpture shall require a Major Amendment to the Planned Development;
5. All requirements of the International Fire Code shall be continually maintained;
6. All requirements of the General Commercial District shall be continually maintained unless specifically authorized as a stipulation of the Final Planned Development or a subsequent Major Amendment to the Planned Development, and;
7. This Major Amendment to the Planned Development shall allow for a Statue of Liberty structure to be included as a part of the Rippin' Rapids waterpark. The previous stipulations of approval for the Rippin' Rapids waterpark as per File #13PD034 and File #13PD034A shall be continually maintained. Any change or expansion in the use shall comply with Chapter 17.50.050.G of the Rapid City Municipal Code. (6 to 1 with Braun, Brewer, Marchand, Pinkard, Rolinger and Swank voting yes and Popp 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. 14PD025 - PLM Subdivision

A request by Renner and Associates, LLC for S & N Homes, Inc. to consider an application for a **Final Planned Development Overlay to allow a townhome development in the Low Density Residential District** for Lots 1 thru 6 of Block 3 of PLM Subdivision, located in Section 24 (also Section 13), T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of Enchanted Pines Drive and Enchantment Road.

Fisher presented the application and reviewed the associated slides. Fisher stated that the reason this item is on the non-consent portion of the agenda was that the applicant is requesting a reduction of setback from 25 feet to 18 feet along Enchantment Pines Drive, a collector street. Fisher reminded the Planning Commission that they had directed staff to maintain a minimum 25 feet set back

from collector streets. Fisher also encouraged the Planning Commission to discuss the request and determined if whether a minimum 25 feet front yard setback should be provided.

Fisher noted that a stipulation needed to be added which states that prior to the issuance of a Certificate of Occupancy, a Minor Plat be approved.

Jonete Cowan, 4611 Cambria Circle, spoke regarding her concerns of the potential effect the development may have on the value of her home and the drainage and erosion issues that the additional development may cause.

Brewer stated that he cannot support the reduction of setback and asked if the development could be moved back or a different foot print substituted to enable the development without the reduction. Fisher stated that this has been suggested to the developer.

Fisher confirmed that the drainage and erosion issues will be addressed as a part of the building permit approval process.

Brewer moved, Rolinger seconded and unanimously carried to approve the Final Planned Development Overlay to allow a townhome development in the Low Density Residential District with the following stipulations as revised:

- 1. The Exception request to reduce the minimum required side yard setback that abuts a street from 25 feet to 18 feet for Lot 1 along Enchanted Pines Drive is hereby denied;**
- 2. Prior to the issuance of a Certificate of Occupancy, a Minor Plat approved;**
- 3. A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 4. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;**
- 5. All applicable provisions of the adopted International Fire Code shall continually be met;**
- 6. All provisions of the underlying Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment; and,**
- 7. The Final Planned Development Overlay shall allow for a townhome development. 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.
(7 to 0 with Braun, Brewer, Marchand, Pinkard, Popp, Rolinger 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
8. Staff Items
9. Planning Commission Items
10. Committee Reports
 - A. City Council Report (August 18, 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, Braun moved, Pinkard seconded and unanimously carried to adjourn the meeting at 7:39 a.m. (7 to 0 with Braun, Brewer, Marchand, Pinkard, Popp, Rolinger and Swank voting yes and none voting no)