

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
January 22, 2015

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

MEMBERS ABSENT: Erik Braun, Kay Rippentrop, Andrew Scull

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Sarah Hanzel, Tim Behlings, Ted Johnson, Carla Cushman, Laura Scott 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 Items 3 be removed from the Consent Agenda for separate consideration.

Motion by Rolinger seconded by Rose and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 3 in accordance with the staff recommendations with the exception of Item 3. (8 to 0 with Brewer, Bulman, Marchand, Pinkard, Popp, Rolinger, Rose and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the January 8, 2015 Planning Commission Meeting Minutes.
2. No. 05TI006 - Stoney Creek South Subdivision
A request by City of Rapid City to consider an application for a **Resolution for the Dissolution of Tax Increment District No. 53** for Lots 1 through 4, Block 1 and Lots 3 through 7, Block 2, all located in Stoney Creek South Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of Catron Boulevard and Sheridan Lake Road.

Planning Commission recommended that the Resolution for the Dissolution of Tax Increment District No. 53 be approved.

---END OF CONSENT CALENDAR---

- *3. No. 14UR024 - Rapid City Greenway Tract
A request by Wyss Associates, Inc. for Destination Rapid City to consider an application for a **Major Amendment to the Conditional Use Permit to allow structures in the Flood Hazard District** for Tract 20 less Lot H1 of the Rapid City Greenway Tract, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located as

Legacy Commons at Memorial Park.

Laroco presented the application and reviewed the slides pointing out the current location of facilities within the park noting the distance from the play areas. Laroco presented staff's recommendation that the application for a **Major Amendment to the Conditional Use Permit to allow structures in the Flood Hazard District** be approved with stipulations.

In response to a question from Brewer about the proposed hours the facilities would be available, Alex DeSmidt, Landscape Architect for the Parks and Recreation Department, stated that the facility will be managed by the Parks and Recreation Department and that the facilities will not be open 24/7.

Brewer moved, Rose seconded and unanimously carried to approve the Major Amendment to the Conditional Use Permit to allow structures in the Flood Hazard District with the following stipulations:

- 1. Prior to issuance of a building permit, a Flood Plain Development Permit shall be obtained for the area of construction;**
- 2. Prior to issuance of a building permit, all redline comments shall be addressed and all drawings shall be returned to Community Planning and Development Services;**
- 3. Prior to issuance of a building permit, the applicant shall submit proof of concurrence for the project plans to Community Planning and Development Services from the Rapid City Parks and Recreation Department;**
- 4. Prior to issuance of a building permit, final construction plans shall be submitted for the proposed restrooms. Plans shall provide all design information and details for all proposed utility work, as well as all proposed mechanical and plumbing equipment. All utility improvements shall be in compliance with the Rapid City Infrastructure Design Criteria Manual. In addition, all facilities shall be modifiable for the winter season as necessary;**
- 5. A building permit shall be obtained prior to construction. A certificate of Occupancy shall be obtained prior to occupancy;**
- 6. Erosion and sediment control measures shall be installed and maintained as necessary;**
- 7. All landscaping shall continue to comply with the requirements of the Rapid City Landscaping Ordinance;**
- 8. Any future signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Conditional Use Permit. The addition of LED signage shall require a Major Amendment to the Conditional Use Permit. A sign permit is required for each sign;**
- 9. All lighting shall be designed to preclude shining on adjacent properties and/or rights-of-way, so as not to create a nuisance of any kind to passing traffic or neighboring properties;**
- 10. All requirements of the International Fire Code shall be continually maintained;**

11. All requirements of the Flood Hazard District shall be continually maintained, and;
12. This Major Amendment to the Conditional Use Permit shall allow for the construction of restrooms as part of the park amenities for Legacy Commons. Uses permitted within the Flood Hazard District shall be permitted contingent upon provision of sufficient parking. Conditional uses shall require a Major Amendment to the Conditional Use Permit. (8 to 0 with Brewer, Bulman, Marchand, Pinkard, Popp, Rolinger, Rose 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

*4. No. 14PD039 - Tower Ridge 2 Subdivision

A request by Tony Marshall to consider an application for a **Major Amendment to a Planned Development to reduce setbacks** for Lot 7A and 7B of Block 1 of Tower Ridge 2 Subdivision, located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1515 and 1505 Tablerock Road.

Lacock presented the application noting that this application has been continued since the November 20, 2014 Planning Commission meeting to allow the applicant to meet notification requirements. Lacock stated that the Final Planned Development for this property was approved at the September 4, 2014 Planning Commission meeting. Lacock also stated that the Final Planned Development as well as an associated plat and rezoning request identified a building envelope on the properties. Lacock noted that an Exception was granted, to allow the cul-de-sac bulb to remain at the current 84 foot diameter of paved surface in lieu of the standard 96 foot diameter of paved surface as the applicant had demonstrated that there was plenty of room within the building envelope for the properties. Lacock noted that if the cul-de-sac were required to be increased in the future there would be no room for parking without extending across the sidewalk and into the paved street. Lacock stated that staff recommends that the application for a **Major Amendment to a Planned Development to reduce setbacks** be denied.

In response to a question from Brewer regarding the drop off of the lots, the applicant, Tony Marshall, reviewed the site plan and noted that other lots in the cul-de-sac are deep and allow for building and parking on the site avoiding the need to park on the street. Marshall stated that the sewer depth on this lot is very shallow so in order to utilize the gravity flow for this specific property placement is important. Marshall stated that he believes it would be very unlikely that the cul-de-sac would ever be required to be increased and requested that

the Planning Commission approve the request to allow the setback reduction.

In response to a question regarding the last time the City enlarged a cul-de-sac, Fisher stated that she did not have that information; however, she noted that the original Planned Development showed that the setbacks allowed for building area on the property as proposed. Fisher also reviewed the requirement of an 84 foot bulb for the cul-de-sac which allows the parking within the bulb and noted that any physical improvement would push the sidewalk closer to the property.

Bulman stated that she does not support the eight foot setback, noting that a car would hang over the sidewalk and pointing out that parking in a cul-de-sac is difficult at best and that reducing the area only increases those issues.

In response to a question from Marshall as to whether he could request a reduction to the current setback reduction from twenty feet to twelve feet and how would he go about doing so, Fisher stated that the Planning Commission could offer a substitute motion to change the setback reduction and act on that motion or act on the recommendation by staff to deny the request.

In response to a question from Scott regarding the necessity for the setback reduction, Marshall stated that it is the size of the proposed structures.

Discussion followed regarding setbacks and substitute set back reductions.

Bulman moved, Rose seconded and unanimously carried to approve the Major Amendment to a Planned Development to reduce the front yard with the amended setback from 20 feet to 18 feet. (8 to 0 with Brewer, Bulman, Marchand, Pinkard, Popp, Rolinger, Rose 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. Discussion Items

A. Discussion item from Brett Limbaugh – Appointments to various boards

Limbaugh reviewed the Mayor's proposed changes to the appointment procedure for the Air Quality Board, Zoning Board of Adjustments and Historic Preservation Commission. Limbaugh noted that the Mayor had sent the Planning Commission and staff a memo providing an overview of his proposed plan. Limbaugh summarized that the recent changes in the Parks and Recreation Department shifting the responsibility of the appointments to the Parks and Rec Advisory Board, for the Beautification Committee, Urban Forestry and Urban Wildlife appears to be working. Limbaugh also noted that this is in line with the changes proposed by the Lehe Study for the Historical Preservation Committee ordinance revisions

and that these changes and others associated with the Historic Preservation Committee would be addressed by upcoming ordinances.

Brewer asked if the Planning Commission would also be the Zoning Board of Adjustment or if it would remain independent, Limbaugh stated that Planning Commission could either appoint the Zoning Board of Adjustment, have Planning Commission members on the Zoning Board of Adjustments or the Planning Commission could also have the same membership as the Zoning Board of Adjustment. Brewer also inquired into the Historic Preservation Committee and Air Quality Board noting that he believes that the City Council and Mayor are paid to vet these boards.

Discussion followed.

Limbaugh clarified that the Mayor is currently only requesting that the Planning Commission make the appointment recommendations to the noted boards. The actual approval of these appointments would remain with the City Council.

6. Staff Items
None
7. Planning Commission Items
None
8. Committee Reports
 - A. City Council Report (January 5, 2015)
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, Bulman seconded and unanimously carried to adjourn the meeting at 8:25 a.m. (8 to 0 with Brewer, Bulman, Marchand, Pinkard, Popp, Rolinger, Rose, and Swank voting yes and none voting no)