

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
February 19, 2015

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

MEMBERS ABSENT: Karen Bulman, Dennis Popp, Kay Rippentrop, Tim R. Rose

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, 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.

Brewer requested that Item 1 be removed from the Consent Agenda for separate consideration.

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

---CONSENT CALENDAR---

*2. No. 15PD002 - Squirrely Acres

A request by Fisk Land Surveying and Consulting Engineers, Inc. for Lisa R. Schneider on behalf of the Estate of Patricia Berglund to consider an application for an **Initial Planned Development Overlay to allow a residential development** for Lots 4 and 5 of Squirrely Acres, legally described as the north 825 feet of the NE1/4 of the SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5455 Berglund Road.

Planning Commission approved the Initial Planned Development Overlay to allow a residential development with the following stipulations:

- 1. Prior to issuance of a building permit, a Final Planned Development shall be approved for the property;**
- 2. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved for the property;**
- 3. Prior to issuance of a building permit, calculations and analysis demonstrating that the proposed well and wastewater systems can service the property shall be submitted. In addition, an on-site wastewater permit shall be obtained;**
- 4. Prior to issuance of a building permit, a recordable document shall be**

submitted for review and approval to 1) secure maintenance of Berglund Road; 2) ensure that fire sprinkler protection for all residential structures be provided and designed and installed as per the provisions established within NFPA13D; and, 3) ensure that all landscaping and building materials conform with the Rapid City Fire Department Survivable Space Initiative Guidelines. The approved document shall be submitted with the Final Plat application for recording;

5. Prior to issuance of a building permit, revised plans shall be submitted showing that the first 50 feet of each driveway for the proposed single family residences is being paved, or an Exception from the Zoning Ordinance shall be obtained as a part of the Final Planned Development approval;
6. All requirements of the Park Forest District shall be continually maintained unless specifically stipulated as a part of the Final Planned Development or a future Major Amendment to the Planned Development, and;
7. This Initial Planned Development shall allow for the development of the property with two single family residences and accessory structures. Uses permitted in the Park Forest District shall be permitted contingent upon an approved building permit. Conditional uses in the Park Forest District shall require the review and approval of 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.

3. No. 15PL008 - Squirrely Acres

A request by Fisk Land Surveying and Consulting Engineers, Inc. for Lisa R. Schneider on behalf of the Estate of Patricia Berglund to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 4 and 5 of Squirrely Acres, legally described as the north 825 feet of the NE1/4 of the SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5455 Berglund Rd.

Planning Commission approved the Preliminary Subdivision Plan with the following stipulation:

1. Prior to submittal of a Final Plat application, a recordable document shall be submitted for review and approval to 1) secure maintenance of Berglund Road; 2) ensure that fire sprinkler protection for all residential structures be provided and designed and installed as per the provisions established within NFPA13D; and, 3) ensure that all landscaping and building materials conform with the Rapid City Fire Department Survivable Space Initiative Guidelines. The approved document shall be submitted with the Final Plat application for recording.

---END OF CONSENT CALENDAR---

1. Approval of the February 5, 2015 Planning Commission Meeting Minutes.

Brewer requested review of the minutes and upon such review noted that his inquiry was not for these minutes but the previously approved minutes for the January 26, 2015 Planning Commission Meeting.

Brewer moved, Braun seconded and unanimously carried to approve the minutes as posted. (7 to 0 with Braun, Brewer, Marchand, Pinkard, Rolinger, Scull and Swank voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

- *4. No. 14PD044 - Cambell Square Addition
A request by Henriksen Inc for Wyngard Pot-O-Gold Casino Inc, Wyngard Investments LLC to consider an application for a **Final Planned Development Overlay to allow a mini storage facility and an on-sale liquor establishment in conjunction with a casino** for Lot 7 of Cambell Square Addition, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 530 Cambell Street.

Lacock presented the application and reviewed the associated slides. Lacock stated that the applicant is proposing a 7,980 square foot strip mall and that a 2012.5 square foot suite within that facility would operate as a casino with on-sale liquor establishment. In addition to the strip mall there would be an 87 unit storage unit. Lacock noted that three Exceptions have been requested; to waive the security and screening fence requirement, to allow vertical steel panels in lieu of the building materials required for mini-storage facilities, and to allow a 25 foot wide circulation aisle on the north and south side of the mini storage in lieu of the required 30 foot wide circulation aisle. The applicant has shown that there is sufficient movement area with the 25 foot wide circulation aisle and that the proposed landscape buffer being evergreen should provide sufficient screening. Lacock noted that there are existing storage units located on the adjacent property. Lacock stated that the applicant has indicated that the existing liquor license that is currently used in the operation of the Pot O' Gold Casino will be transferred to the new casino and the other casino will cease to operate.

Lacock reviewed the digital reader board sign request stating that it is in compliance with Sign Code noting that it is located along Cambell Street which is in a commercial corridor and as such, staff recommends that the Exceptions be approved and that the **Final Planned Development Overlay to allow a mini storage facility and an on-sale liquor establishment in conjunction with a casino** be approved with stipulations.

Rolinger moved, Braun seconded to determine that the proposed LED sign is appropriate for the character of the neighborhood, and approved the

Final Planned Development Overlay to allow a mini storage facility and an on-sale liquor establishment in conjunction with a casino with the following stipulations:

- 1. The request to allow a three foot tall by six foot wide, Light Emitting Diode (LED) reader board as a part of the approved sign package for the property is hereby granted. All signage shall comply with the submitted sign package and the requirements of the Rapid City Sign Ordinance. Any expansion of the approved LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;**
- 2. An Exception is hereby granted to waive the screening and fencing requirement for a mini-storage facility provided that an evergreen landscape buffer be provided and maintained where the mini-warehousing abuts Centre Street and that lighting and cameras are installed for security;**
- 3. An Exception is hereby granted to waive the materials requirement for a mini-storage facility and to allow vertical steel panels provided that an evergreen landscape buffer is provided and maintained where the mini-warehousing abuts Centre Street;**
- 4. An Exception is hereby granted to allow a 25 foot wide circulation aisle on the north and south sides of the mini-storage buildings in lieu of the minimum 30 foot wide circulation aisle required as per Chapter 17.50.270(D) of the Rapid City Municipal Code;**
- 5. A Building Permit shall be obtained prior to any structural construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 6. Upon submittal of a Building Permit, the site plan shall be revised to indicate that the proposed fire hydrant shall be installed as per Rapid City Standard Specifications;**
- 7. Upon submittal of a Building Permit, the site plan shall be revised to show sidewalk along Centre Street or a Variance must be obtained;**
- 8. Upon submittal of a Building Permit, the owner shall enter into a utility access easement with the City to allow access to the water shut-off valve;**
- 9. Upon submittal of a Building Permit, the applicant shall identify if there are any existing service stubs on the property that will be abandoned. In addition, the existing water service from the water main located in Centre Street shall be abandoned per City Standards;**
- 10. Upon submittal of a Building Permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;**
- 11. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;**
- 12. A minimum of 48 parking spaces shall be provided. In addition, two 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;**

13. A minimum of 51,781 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;
14. 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;
15. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment;
16. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
17. All applicable provisions of the adopted International Fire Code shall continually be met; and,
18. The Final Planned Development Overlay shall allow for an 87 unit mini-storage facility and an on-sale liquor establishment in conjunction with a 2,012.5 square feet casino to be located on the property. Any expansion to the on-sale liquor use or the mini-storage facility shall require a Major Amendment to the Planned Development. Any change in use that is a permitted use in the General Commercial District and in compliance with the Parking Ordinance shall require the review and approval of a Minimal Amendment. All conditional uses in the General Commercial District shall require the review and approval of a Major Amendment to the Planned Development. (7 to 0 with Braun, Brewer, Marchand, Pinkard, Rolinger, 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.

- *5. No. 15UR001 - Marshall Heights Tract
A request by Novation Group Consulting for SBA Communications to consider an application for a **Conditional Use Permit to allow a cellular communication tower** for Lot 1 of Lot K2-C of Marshall Heights Tract, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1900 North Maple Avenue.

Lacock stated that applicant has requested that the application for a **Conditional Use Permit to allow a cellular communication tower** be withdrawn and as such staff requests Planning Commission acknowledge the withdrawal.

Jan moved, Rolinger seconded to acknowledge the applicants withdrawal of the **Conditional Use Permit to allow a cellular communication tower** be

continued (7 to 0 with Braun, Brewer, Marchand, Pinkard, Rolinger, 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.

Items No. 6 and No. 7 were acted on concurrently.

6. No. 15OA002 - Ordinance to Amend Provisions Concerning Appointments to the Rapid City Planning Commission by Amending Sections 2.60.020 and 2.60.030 to the Rapid City Municipal Code
A request by City of Rapid City to consider an application for an **Ordinance to Amend Provisions Concerning Appointments to the Rapid City Planning Commission by Amending Sections 2.60.020 and 2.60.030 to the Rapid City Municipal Code.**

7. No. 15OA003 - Ordinance to Authorize the Planning Commisison to Act as the Zoning Board of Adjustment by Amending Section 17.54. 010 of the Rapid City Municipal Code
A request by City of Rapid City to consider an application for an **Ordinance to Authorize the Planning Commisison to Act as the Zoning Board of Adjustment by Amending Section 17.54. 010 of the Rapid City Municipal Code.**

Cushman reviewed the key changes addressed by Ordinance Amendment No. 6036, 15OA002 noting that it will reduce the number of members from ten to seven and simplify the reference to wards.

Mayor Kooiker reviewed the actions that led up to the decision to bring these ordinance amendments forward noting that he feels that the Zoning Board of Adjustment is a part of the planning process and that it should be combined with the Planning Commission. Kooiker noted that this being a quasi-judicial board it brings a great deal of responsibility and as such he feels that the Planning Commission should make the decision to enact this change. Kooiker stated that there were two methods to achieve this goal, one would be to maintain both the Planning Commission with the current number of members and the Zoning Board of Adjustment with its current number of members but that all members of the Zoning Board of Adjustment be Planning Commission members, or to do a complete merger of the Planning Commission and the Zoning Board of Adjustment with the Planning Commission operating as both entities.

Kooiker further stated that the reduction of the number of members is based on the rules associated with the Zoning Board of Adjustment and that staff is strongly suggesting a reduction. He said the goal is to have the Planning Commissioners sit on the Zoning Board of Adjustment and he is supportive of either process that is approved.

In response to question from Scull, Cushman clarified that the Zoning Board of Adjustment addresses items such as variance requests to set back requirements, paving requirements, parking and sign code regulations. In response to additional question from Scull as to how the number seven was decided and how it affected quorum, Cushman stated that seven was a compromise between ten and five. She further confirmed that that would create a quorum of four. Scull also noted that the number of replaced members each year needs to be changed from 3 to 2 to allow for overlap.

In response to a question from Braun as to whether the requirement of the Zoning Board of Adjustment that two thirds of the members are required to take affirmative action on a variance, then be required of the Planning Commission, Cushman stated that it would not, that it would only be for the variances and actions taken as the Zoning Board of Adjustment. Braun also asked if separate agendas would be prepared for each meeting and if they be held consecutively but separately. Fisher reviewed how the Pennington County Planning Commission, who also acts as the Zoning Board of Adjustment, now handles this process as an example and how an application that comes before the Zoning Board of Adjustment may also come before the Planning Commission and that the Planning Commission approval could be dependent on the approval of a variance that requires the Zoning Board of Adjustment's approval.

Braun stated that he supports the direction this ordinance amendment is taking the Zoning Board of Adjustment and Planning Commission but wondered to the number of seated members. Fisher stated that there are two alternates that would be help to ensure quorum.

Rolinger stated that he also agrees with the ordinance amendment and offered his thoughts on alternates and member numbers. Rolinger discussed how the Zoning Board of Adjustment worked.

Brewer discussed the importance of having the knowledge on the Planning Commission regarding planning, building and development and he feels that a higher member number is desirable and would rather that the member numbers remain at ten. Brewer summarized why he supports the merging of the Planning Commission and Zoning Board of Adjustment and why he would like to remain at ten with Zoning Board meeting first followed by the Planning Commission.

Scull noted that he agrees with the merging of the Planning Committee and Zoning Board of Adjustment and thinks that the smaller number allows for more input and offered nine members as a compromise. Scull discussed the ward representation and agreed that it is important but that good representation is just as important.

In response to Scull's question regarding agendas and the times for meetings, Fisher stated that the agendas would be separate and that they would be consecutive with the second meeting starting immediately following the first.

In response to a question from Swank regarding public notification, Fisher stated that separate notices would be made per requirement and that staff would handle those notifications.

Mayor Kooiker stated that nine was a viable number of members to him and stated that when reappointments are made in October that decisions would be made at that time regarding members.

Discussion followed regarding the importance of ward representation.

Brewer moved to approve with revisions to change the representative number from seven to nine with two alternates, to retain ward representation and removal of the reference to contradictory language, Scull seconded.

In response to Pinkard's request for clarification on the member numbers, Cushman stated that the number of members would be the same for both Planning Commission and Zoning Board of Adjustment.

The original motion was withdrawn.

Scull moved, Rolinger seconded and unanimously carried to continue the Ordinance to Amend Provisions Concerning Appointments to the Rapid City Planning Commission by Amending Sections 2.60.020 and 2.60.030 to the Rapid City Municipal Code (File # 15OA002) and the Ordinance to Authorize the Planning Commission to Act as the Zoning Board of Adjustment by Amending Section 17.54. 010 of the Rapid City Municipal Code (File # 15OA003) to the March 5, 2015 Planning Commission meeting.

8. Discussion Items
None

9. Staff Items
None

10. Planning Commission Items
None

11. Committee Reports
A. City Council Report (February 2, 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, Pinkard moved, Swank seconded and carried to adjourn the meeting at 7:59 a.m. (6 to 0 with Braun, Brewer, Marchand, Pinkard,

Rolinger, Scull and Swank voting yes and none voting no)