

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
May 21, 2015

MEMBERS PRESENT: John Brewer, Karen Bulman, Galen Hoogestraat, Linda Marchand, John Pinkard, Dennis Popp, Kay Rippentrop, Steve Rolinger, Andrew Scull and Jan Swank. Amanda Scott, Council Liaison was also present.

MEMBERS ABSENT: Erik Braun

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

Marchand called the meeting to order at 7:02 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.**

**Scull requested that Item 4 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 4. (9 to 0 with Brewer, Bulman, Hoogestraat, Marchand, Pinkard, Popp, Rippentrop, Rolinger, Scull and Swank voting yes and none voting no)**

**---CONSENT CALENDAR---**

1. Planning Commission approved the May 7, 2015 Planning Commission Meeting Minutes.
2. No. 15RZ007 - Elks Crossing  
A request by Dream Design International Inc to consider an application for a **Rezoning from General Commercial District to Low Density Residential District II** for a portion of the SW1/4 of the SW1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of corner of Section 16, T1N, R8E, BHM, and the point of beginning; Thence, first course: N 37°39'56" E, a distance of 823.07'; Thence, second course: S 52°51'51" E a distance of 149.74'; Thence, third course: with a curve turning to the right with an arc length of 241.99', with a radius of 795.00', with a chord bearing of N 35°49'30" E, and a chord length of 241.05'; Thence, fourth course: N 44°32'42" E a distance of 108.78', to a point on the southerly edge of East Minnesota Street Right-of-Way; Thence, fifth course: along the southerly edge of said East Minnesota Street Right-of-way, with a curve turning to the right with an arc length of 147.09', with a radius of 2938.00', with a chord bearing of S 46°53'21" E, and a chord length of 147.07'; Thence, sixth course: S 45°27'18" E, along the southerly edge of said East Minnesota Street Right-of-way, a distance of 527.65'; Thence, seventh course: S

00°03'01" W, a distance of 365.28', to the W1/16th corner common to Sections 16 and 21, T1N, R8E, BHM.; Thence, eighth course: N 89°55'18" W, along the Section Line common to said Sections 16 and 21, a distance of 1322.82, to the point of beginning. Said parcel contains 683,022 square feet, or 15.680 acres, more or less, more generally described as being located southeast of the intersection of Marlin Drive and Minnesota Street.

**Planning Commission recommended that the Rezoning from General Commercial District to Low Density Residential District II be approved.**

3. No. 15RZ009 - Section 16, T1N, R8E

A request by Dream Design International Inc to consider an application for a **Rezoning from General Commercial District to Office Commercial District** for a portion of the SW1/4 of the SW1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of corner of Section 16, T1N, R8E, BHM, and the point of beginning; Thence, first course: N 37°39'56" E, a distance of 823.07'; Thence, second course: S 52°51'51" E a distance of 149.74'; Thence, third course: with a curve turning to the right with an arc length of 241.99', with a radius of 795.00', with a chord bearing of N 35°49'30" E, and a chord length of 241.05'; Thence, fourth course: N 44°32'42" E a distance of 108.78', to a point on the southerly edge of East Minnesota Street Right-of-Way; Thence, fifth course: along the southerly edge of said East Minnesota Street Right-of-way, with a curve turning to the left with an arc length of 232.84', with a radius of 2938.00', with a chord bearing of N 50°35'38" W, and a chord length of 232.78'; Thence, sixth course: N 52°51'51" W, along the southerly edge of said East Minnesota Street Right-of-way, a distance of 165.67'; Thence, seventh course: S 82°08'09" W, along the southerly edge of said East Minnesota Street Right-of-way, a distance of 35.36'; Thence, eighth course: S 37°08'09" W, along the southerly edge of said East Minnesota Street Right-of-way, a distance of 23.35'; Thence, a ninth course: S 37°08'09" W a distance of 783.38'; Thence, a tenth course: with a curve turning to the right with an arc length of 8.70', with a radius of 1534.00', with a chord bearing of S 37°17'53" W, and a chord length of 8.70'; Thence, an eleventh course: S 00°03'41" W, along the Section Line common to said Sections 16 and 17, a distance of 427.01, to the point of beginning, more generally described as being located at the southeast of the intersection of Marlin Drive and East Minnesota Street.

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

\*5. No. 15PD013 - Section 4, T1N, R7E

A request by Ryan Zens for Fit-n-Fun to consider an application for a **Major Amendment to a Planned Development to allow a child care center** for the NW1/4 of the SE1/2 less Lot 1 of Block 1, located in Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3500 Canyon Lake Drive.

**The Planning Commission approved the application for a Major**

**Amendment to a Planned Development to allow a child care center with the following stipulations:**

1. Prior to issuance of a building permit, plans shall be revised to show the accurate location and layout of all handicap accessible parking spaces located on the property. In addition, plans shall be revised to show the required loading/unloading zone. All parking shall comply with the requirements of the Rapid City Parking Ordinance;
2. Prior to operation of the facility, all State licensing requirements for a child care center shall be met;
3. All signage shall comply with the requirements of the Rapid City Sign Code and the submitted sign package. No Light Emitting Diode (LED) or electronic messaging centers are being approved as a part of this Major Amendment. Changes to the sign package in compliance with the requirements of the Rapid City Municipal Code shall be permitted with an approved sign permit, with the exception of any LED signage. A sign permit shall be required for each sign, and;
4. This Major Amendment to the Planned Development shall allow for operation of a child care facility on the property. All requirements of the Medium Density Residential District shall be continually met. Uses permitted in the Medium Density Residential District shall be permitted contingent upon provision of sufficient parking and an approved building permit. All conditional uses 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.*

6. Approve the Proposed Planning Commission By-Laws

**Planning Commission approved the Proposed Planning Commission By-Laws.**

**---END OF CONSENT CALENDAR---**

4. No. 15VR002 - Tower Ridge 2 and Aladdin Heights  
A request by Fisk Land Surveying and Consulting Engineers, Inc for ICON Holdings, LLC to consider an application for a **Vacation of Right of Way** for that portion of Northview Drive and Silver Nugget Drive adjoining Lots 1 and 2 of Block 1; Lot 1 of Block 2; Lot 2 less Tower Ridge 2 (aka the remainder of Lot 2) of Block 2; Lots 1, 2 and 3 of Block 3 all in Aladdin Heights Subdivision; and also adjoining Lots 1 and 2 of Block 1 of Tower Ridge 2; all located in the SW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located as Northview Drive and Silver Nugget Drive.

Scull stated that he would be abstaining from this item due to a conflict of interest.

**Rolinger moved, Bulman seconded and carried to recommend that the Vacation of Right-of-Way be approved with the following stipulation:**

- 1. Prior to City Council approval, a Developmental Lot Agreement shall be recorded for the properties that abut Northview Drive and Silver Nugget Drive to ensure that access to the properties is maintained. (8 to 0 to 1 with Brewer, Bulman, Hoogestraat, Marchand, Pinkard, Popp, Rippentrop, Rolinger and Swank voting yes and none voting no and Scull abstaining)**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

**\*7. No. 15PD014 - Stoney Creek South Subdivision**

A request by Upper Deck Architects Inc for Gustafson Builders to consider an application for a **Final Planned Development Overlay to allow medical and professional offices** for Lot 4 of Block 3 of Stoney Creek South Subdivision, located in the SW1/ of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of Nugget Gulch Road and Catron Boulevard.

Laroco presented the application and reviewed the associated slides. Laroco clarified that access will be taken solely from Nugget Gulch with no access from Bendt Drive or Catron Boulevard. Laroco presented staff's recommendation that the application for a **Final Planned Development Overlay to allow medical and professional offices** be approved with the stipulations.

**Rolinger moved, Swank seconded and unanimously carried to approve the application for a Final Planned Development Overlay to allow medical and professional offices with the following stipulations:**

- 1. The requested Exception to waive the required screening fence along the southern portions of the property is hereby granted. In lieu of the screening fence, a minimum of 17 evergreen trees shall be planted between the residential property to the south and the proposed development. All landscaping shall meet the requirements of the Rapid City Municipal Code and the approved landscaping plans. Changes to the landscaping plan which disturb the required vegetative buffer shall require a Minimal Amendment to the Planned Development.**
- 2. All signage shall comply with the requirements of the Rapid City Sign Code and the submitted sign package. No Light Emitting Diode (LED) or electronic messaging centers are being approved as a part of this Final Planned Development. The addition of LED signage shall require a Major Amendment to the Planned Development. Changes to the sign package in compliance with the requirements of the Rapid City Municipal Code shall be permitted with an approved sign permit, with the exception of any LED signage. A sign permit**

shall be required for each sign.

3. **This Final Planned Development shall allow for development of office buildings on the property in a two-phased development. All requirements of the General Commercial District shall be continually met unless specifically authorized as a stipulation of this Final Planned Development or a subsequent Major Amendment. Uses permitted in the General Commercial District shall be permitted contingent upon provision of sufficient parking and an approved building permit. All conditional uses shall require a Major Amendment to the Planned Development. (9 to 0 with Brewer, Bulman, Marchand, Pinkard, Popp, Rippentrop, 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.***

\*8. No. 15UR009 - Flormann Addition and West Boulevard Addition

A request by Stacy Austin for Scott Vincent to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a liquor store** for Lot 17 and 18 of Block 15 of Flormann Addition, located in Section 1 , T1N, R7E and Lot 4 thru 6 of Block 1 of West Boulevard Addition, located in Section 2, T1N, R7E, Rapid City, BHM, Pennington County, South Dakota, more generally described as being located at 1424 Mount Rushmore Road.

Lacock presented the application and reviewed the associated slides. Lacock indicated that the applicant is requesting the on-sale liquor to allow them to offer more than the three, half ounce samples allowed by the State to allow customers to sample the higher end wines prior to purchase. Lacock noted that a card system would be used to sample and purchase the wine providing an additional level of authentication. Lacock noted that the on-sale would be in conjunction with the existing liquor store and that staff recommends that the application for a **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a liquor store** be approved with stipulations.

**Rolinger moved, Brewer seconded and unanimously carried to approve the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a liquor store with the following stipulation:**

1. **All signage shall comply with the Rapid City Municipal Code. No new electronic or Light Emitting Diode (LED) signage is being approved as a part of this Conditional Use Permit. A sign permit is required for any future signage; and,**
2. **The Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with a liquor store for the property. The on-sale use shall be allowed for wine samplings. Any change in**

**use that is a permitted use in the General Commercial District shall require 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 to the Conditional Use Permit. (9 to 0 with Brewer, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rolinger, Scull and Swank voting yes and none voting no)**

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\*9. No. 15PD011 - Boulevard Addition

A request by 42nd Street Design Studio for First Nations Sculpture Garden to consider an application for a **Final Planned Development Overlay to allow a sculpture garden** for Blocks 1 and 2 of Block 1 of the Boulevard Addition, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 515 West Boulevard.

Lacock presented the application and reviewed the associated slides. Lacock noted that an Exception had previously been granted to reduce the required parking from 17 parking spaces to 0 parking spaces by an 11-6-19 Review, but since that form of application is no longer enforced by the City it was decided to include it in this application. Lacock stated that the applicant, First Nations Sculpture Garden, Inc., has entered into an agreement with the City of Rapid City for the construction of the sculpture garden and that the applicant will work with the Rapid City Parks and Recreation Department and the Public Works Department regarding sidewalks, irrigation and other relevant issues as this project is constructed. Lacock stated that the sculpture garden will be constructed in a two phase process, both phases being approved by this application. Lacock noted that the application includes the placement of two temporary signs which will announce the upcoming sculpture gardens. Lacock said that staff recommends that the application for a **Final Planned Development Overlay to allow a sculpture garden** be approved with stipulations.

**Swank moved, Bulman seconded**

In response to question from Brewer regarding the agreement between the Parks Department and First Nations Sculpture Garden, Inc., Cushman stated that the agreement was approved by the City Council a year ago and that the applicant has been working on funding since then but is now ready to begin construction. In response to a question from Brewer if the funds had been raised to allow the completion of the park without interruption, Mike Stanley, of 42<sup>nd</sup> Street Design Studio, stated that construction will be completed in phases and that the funds will be raised before a phase is started. He also stated that Phase I can stand complete on its own so in the case that it takes a longer period of time to acquire funds for Phase II the park will not look unfinished.

In response to a question from Scull regarding whether the park will be used in conjunction with the current building on the property, Stanley clarified that the Parks and Recreation Department offices will continue to use the building and that it will not be associated with the park.

In response to a question from Bulman regarding sidewalks, Stanley said that due to the pedestrian nature of the park the sidewalks will be retained. Marchand stated that she also feels that the retention of the sidewalk is important. Discussion followed.

**Swank moved, Bulman seconded an unanimously carried to approve the Final Planned Development Overlay to allow a sculpture garden with the following stipulations:**

- 1. Acknowledge the previously granted Exception to waive off-street parking with the acknowledgment that parking within West Boulevard right-of-way serves as parking for the property;**
- 2. The applicant shall coordinate the construction of the sculpture garden, the associated sidewalk removal, and irrigation installation with the Parks and Recreation Department and the Public Works Department;**
- 3. All signage shall comply with the Rapid City Municipal Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Final Planned Development Overlay. A sign permit is required for all signage; and,**
- 4. The Final Planned Development Overlay shall allow a sculpture garden as an accessory use to Halley Park. Any change in use that is a permitted use in the Park Forest District shall require a building permit. Any change in use that is a Conditional Use in the Park Forest District shall require the review and approval of a Major Amendment to the Final Planned Development Overlay. (9 to 0 with Brewer, Bulman, Marchand, Pinkard, Popp, Rippentrop, 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.***

\*10. No. 15PD012 - McMahan Subdivision

A request by Renner and Associates, LLC for Peter Vodenka to consider an application for a **Final Planned Development Overlay to allow a townhome development** for Lots 1 thru 3 of Tract G-1 of McMahan Subdivision, located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Kathryn Avenue and Champion Drive.

Laroco presented the application and reviewed the associated slides. Laroco reviewed the Exceptions including the reduced lot sizes on three of the proposed lots and the reduced front yard setbacks on all proposed lots. Laroco noted that if the applicant was building single family residences the required front yard setback would be 20 feet so the setback request is not out of line. Laroco also noted that the drainage channel that runs along the southern boundary property creates further constraints to the buildable space of the property. Laroco also stated that a Vacation of Easement had been granted to allow the vacation of a 9 foot section of non-access easement to allow the required width of the driveway. Laroco noted that the overall lot density remains within the average minimal density even with the reduction in individual lot sizes. Staff supports the Exceptions and recommends that the request for a **Final Planned Development Overlay to allow a townhome development** be approved with stipulations.

**Rolinger moved, Popp seconded and unanimously carried to approve the application for a Final Planned Development Overlay to allow a townhome development with the following stipulations:**

- 1. An Exception is hereby granted to reduce the required front yard setback to the Kathryn Avenue right-of-way on all lots from 25 feet to 20 feet;**
- 2. An Exception is hereby granted to reduce the minimum required lot size on proposed Lot 1B from 4,000 square feet to 3935.9 square feet, on proposed Lot 1C from 4,000 square feet to 3,936.8 square feet, and on proposed Lot 1D from 4,000 square feet to 3,760.7 square feet;**
- 3. Prior to issuance of a Certificate of Occupancy, a Final Plat must be approved for each lot;**
- 4. This Final Planned Development shall allow for development of the property with townhomes. All requirements of the Medium Density Residential District shall be met unless specifically authorized as a part of this Final Planned Development or a subsequent Major Amendment. All uses permitted in the Medium Density Residential District shall be permitted contingent upon provision of sufficient parking and 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, Pinkard, Popp, Rippentrop, 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.***

\*11. No. 14PD043 - Tower Ridge 2

A request by ARC International to consider an application for a **Final Planned Development Overlay to allow a commercial development** for Lot 10 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 1687 Table Rock Road.

Lacock presented the application and reviewed the associated slides. Lacock noted that previous Planned Developments have been approved in this area and noted that a Vacation of Right-Of-Way for Northview Drive and Silver Nugget Drive, which is located in this area, was approved earlier by Planning Commission (15VR002). Lacock stated that the South Dakota Department Of Transportation has concurred with the request for the reduction of setback along the west property line from 25 feet to 20 feet and noted that it also provides additional spacing between this and the adjacent residential development. Lacock said that staff supports the Exception to waive the requirement to install a screening fence as it would not provide the buffer it is intended to due to the topographic layout of the property and that the placement would actually create an obstacle for drivers. Lacock reviewed the sign placement and noted that future phases would require a Major Amendment to the Planned Development. Lacock stated that staff recommends approval of this application for a **Final Planned Development Overlay to allow a commercial development** with stipulations for Phase I of the development with Phase II requiring a Major Amendment to the Planned Development.

In response to a question from Popp, Lacock identified what would be part of Phase II. Fisher clarified that with the topographic variance of this property and U.S. Highway 16 that the setback and separation is acceptable to both the City and the South Dakota Department of Transportation.

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

- 1. An Exception is hereby granted to waive the screening requirement for Phase I. The landscape buffer around the parking lot shall be planted as shown on the landscape plan. A Major Amendment to the Planned Development for Phase II shall require that the screening requirement be again reviewed;**
- 2. An Exception is hereby granted to reduce the minimum required side yard setback that abuts a street from 25 feet to 20 feet;**
- 3. All signage shall comply with the Rapid City Municipal Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Final Planned Development Overlay. A sign permit is required for all signage; and,**
- 4. The Final Planned Development Overlay shall allow for Phase I of a commercial development. Phase II shall require the review and approval of a Major Amendment to the Planned Development. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Final Planned Development Overlay. (9 to 0 with Brewer, Bulman, Marchand, Pinkard, Popp, Rippentrop, 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.***

12. Discussion Items

In response to a question from Brewer regarding the Planning Commission's request to have a Planning Commission liaison to the CIP Committee, Cushman stated that the request had been acknowledged by City Council and that the final version of the CIP Ordinance would include that language.

Scull stated that he really likes the new Project Report, especially the section relating the Core Values. He stated it allows the correlation between the development and the Comprehensive Plan. Fisher stated that the goal is to review the Comprehensive Plan and the Core Values and to make the reports more user-friendly.

13. Staff Items

None

14. Planning Commission Items

None

15. Committee Reports

- A. City Council Report (May 4, 2015)  
The City Council concurred with the recommendations of the Planning Commission
- B. Building Board of Appeals
- C. Capital Improvements Subcommittee
- D. Tax Increment Financing Committee

**There being no further business, Scull moved, Bulman seconded and unanimously carried to adjourn the meeting at 4:40 a.m. (9 to 0 with Brewer, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rolinger, Scull and Swank voting yes and none voting no)**